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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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The rules are codified in the *Code of State Regulations* in this system—

Title	*Code of State Regulations*	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 19—Electronics Scrap Management

EMERGENCY RULE

10 CSR 25-19.010 Electronics Scrap Management

PURPOSE: This rule clarifies the responsibilities of computer equipment manufacturers, retailers, recyclers, and the department for providing recycling or reuse of certain consumer electronic equipment at no additional cost. This rule contains procedures for manufacturers to submit and implement recovery plans and standards for recyclers that process equipment collected under the recovery plans.

EMERGENCY STATEMENT: The Department of Natural Resources, Hazardous Waste Management Commission, finds that this emergency rule is necessary to satisfy a statutory mandate to promulgate a rule to implement the Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act, SB 720, signed into law by acting governor (Lt. Governor Peter Kinder) on June 16, 2008. The act may not be enforced until rules are promulgated (see comment about consequences in next paragraph). The act requires computer manufacturers to develop a plan for the department, which provides reasonably convenient recycling opportunities for their computers to consumers in Missouri. The act also requires the department to promulgate rules by July 1, 2009, educate consumers about the recycling and reuse of computers, and provide a web site for this purpose, which should include a list of manufacturers' recovery plans, as well as dates and locations for collection opportunities.

The department is proposing to use an emergency rule to meet the July 1, 2009, statutory deadline because the department interprets the language of the bill as requiring a rule in effect on that date ("The department shall adopt any rules required to implement sections 260.1050 to 260.1101 not later than July 1, 2009," section 260.1101.1, RSMo), and the regular rule process would not be capable of completing the promulgation of a rule by this date. The development of the rule did not allow time between its August 28, 2008, effective date and July 1, 2009, deadline to promulgate a regular rule. While the department will not meet the statutory deadline for establishing the rule, there is no harm to the public or additional public cost that comes about because of the situation. Neither the electronic scrap statute nor rule deal with televisions, the component of electronic scrap most likely to need this type of service given the changeover to digital television this month.

The regular rule is identical to the emergency rule, and the department will begin the formal rulemaking processes and accompanying opportunities for public involvement, while this emergency rule meets the statutory deadline and implements the law until the regular rule completes the rulemaking process.

As preliminary work, the department reviewed the requirement for this rule and determined a regulatory impact report, pursuant to section 640.015, RSMo, was not required as this rule would not establish environmental standards or conditions, a report required solely of this department in promulgating some rules.

Given the high level of interest in this topic, the department then began the process of notifying stakeholders and convening a group of involved parties to facilitate the rulemaking effort.

Sections 260.1050 to 260.1101, RSMo, enacted by SB 720, is the first statute in Missouri that deals with the topic of the management of electronics waste management. To develop this rule, the department convened a workgroup of electronics stakeholders, including large and small manufacturers, retailers, recyclers, and consumers. This workgroup was a subset of a larger group convened three (3) years ago as the Electronic Scrap Stakeholder Workgroup, whose work is displayed on the web site www.e-cyclemo.org. The entire group was invited to participate to the extent they desired in crafting the rule required by SB 720, and many chose to participate. The stakeholder group for the rule met three (3) times from October to December 2008, and reviewed various working drafts of rules. A final working draft was circulated in January 2009 for review, with a request for comments by the end of that month. As with any stakeholder group based on volunteer participation, the department remained open to further suggestions from stakeholders after the requested response date. There were no significant comments warranting a further meeting in March. The rule was placed on the agenda of the Missouri Hazardous Waste Management Commission, which meets six (6) times per year, for its consideration. The commission adopted a finding of necessity on April 16, 2009. Following that approval, the department proceeded to circulate the draft rule through the thirty (30)–day interagency review coordination pursuant to Executive Order 02-05, which was completed May 22, 2009. The department is proceeding with the regular rulemaking, although this will not be in time to complete the rulemaking by the July 1, 2009, statutory deadline.

This emergency rule was filed June 19, 2009, becomes effective July 1, 2009, and expires on February 25, 2010, the thirtieth legislative day of the 2010 Missouri General Assembly.

(1) Definitions. The following terms, when used in this rule, have the following meanings:

(A) Brand—The name, symbol, logo, trademark, or other information that identifies a whole product rather than the components of the product;

(B) Consumer—An individual who uses computer equipment that is purchased primarily for personal or home business use;

(C) Covered Equipment—Electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions. Equipment includes a desktop, notebook or laptop computer, including a computer monitor or other display device that does not contain a tuner, and the accompanying keyboard and mouse associated with the computer of the same manufacturing brand.

1. Desktop computer—A computer with a main unit that is intended to be located in a permanent location, often on a desk or on the floor.

2. Notebook or laptop computer—A computer with an incorporated video display greater than four inches (4") in size measured diagonally and can be carried as one (1) unit by an individual. A notebook computer is sometimes referred to as laptop computer or tablet computer;

(D) Manufacturer—A person, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, or any other legal entity whatever which is recognized by law as the subject of rights and duties—

1. Who manufactures or manufactured covered equipment under a brand that—

A. The person owns or owned; or

B. The person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

2. Who sells or sold covered equipment manufactured by others under a brand that—

A. The person owns or owned; or

B. The person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

3. Who manufactures or manufactured covered equipment without affixing a label with a brand;

4. Who manufactures or manufactured covered equipment to which the person affixes or affixed a label with a brand that—

A. The person does not or has not owned; or

B. The person is not or was not licensed to use; or

5. Who imports or imported covered equipment manufactured outside the United States into the United States, unless at the time of importation the company or licensee that sells or sold the covered equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer;

(E) Recycler—A person or group that engages in recycling of covered equipment;

(F) Recycling—The transforming or remanufacturing of unwanted covered equipment into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include energy recovery or energy generation by means of combusting of unwanted covered equipment with or without other waste;

(G) Retailer—A person who owns or operates a business that sells new computer equipment, including sales through a sales outlet, the Internet, or a catalog, whether or not the seller has a physical presence in this state;

(H) Reuse—The use of a used product or part of a used product, which has been recovered or diverted from the solid waste stream, for its original intended purpose; and

(I) Tuner—An electronic device or circuit used to select signals at a specific frequency for amplification and conversion to pictures or sound.

(2) Applicability.

(A) The collection, recycling, and reuse provisions of this rule apply exclusively to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state.

(B) This rule does not apply to—

1. A television, any part of a motor vehicle, an automated typewriter or typesetter, a portable handheld calculator, a personal digital assistant, a printer, or a telephone; or

2. A consumer's lease of computer equipment or a consumer's use of computer equipment under a lease agreement.

(C) This rule applies to the following persons, as defined in this rule:

1. Manufacturers;

2. Retailers;

3. Consumers; and

4. Recyclers.

(D) Facilities involved, under this rule, in the collection of used covered equipment for recycling or the recycling of used covered equipment must be in compliance with this rule.

(3) Manufacturer Responsibility.

(A) Before a manufacturer may offer covered equipment for sale in this state, the manufacturer shall—

1. Adopt and implement a recovery plan approved by the department;

2. Affix a permanent, readily visible label to the covered equipment with the manufacturer's brand(s); and

3. Comply with reporting requirements of this rule.

(B) The recovery plan shall be submitted on forms provided by the department and shall enable a consumer to recycle covered equipment without paying a separate fee at the time of recycling and must include provisions for—

1. The manufacturer's collection from a consumer of any used covered equipment labeled with the manufacturer's brand(s);

2. Recycling or reuse of covered equipment collected under paragraph 1. of this subsection, including information for the consumer on how and where to return the covered equipment labeled with the manufacturer's brand(s) at no cost to the consumer. This information must include, at a minimum, an Internet link that consumers can access to find out specifically how and where to return the covered equipment labeled with the manufacturer's brand(s). If the Internet link is going to change, the manufacturer shall notify the department of what the new Internet link will be at least thirty (30) days in advance;

3. Method or methods of collection of covered equipment that is—

A. Reasonably convenient and available to consumers in this state; and

B. Designed to meet the collection needs of consumers in this state;

4. A statement that there will be no separate fee required to be paid by the consumer for collection service;

5. Contact information of authorized collection providers;

6. Identifying processes and methods used to recycle covered equipment and the facility(ies) location(s), including the identification of which recycling standard of subsection (7)(B) each facility will implement. This would include information that enables the department to determine if the recycling facility is following standards identified in the law and regulation;

7. Describing the public information campaign for consumers;

8. Graphically representing any brand(s) sold by the manufacturer; and

9. A copy of an existing or proposed web page that provides the recycling information to the consumer.

(C) Reasonably convenient collection of covered equipment generally reflects the level of effort exerted for the purchase of the covered equipment. The following collection methods, alone or combined, meet the convenience requirements of this section:

1. A system by which the manufacturer or the manufacturer's designee offers the consumer a system for returning covered equipment by mail, without the consumer having to pay any mailing, shipping, handling, or any other cost directly related to mailing;

2. A system by which the manufacturer or the manufacturer's designee offers the consumer direct pick up of the covered equipment;

3. A system using physical collection sites or alternate collection services that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return covered equipment. At a minimum, there shall be one (1) collection site located in each city or town with a population greater than ten thousand (10,000);

4. A system using a minimum of one (1) collection event held by the manufacturer or the manufacturer's designee at which the consumer may return covered equipment. Collection event(s) shall, at a minimum, be located in each city or town with a population of greater than five thousand (5,000) or per county or per solid waste district;

5. A system by which the manufacturer or the manufacturer's designee offers a designated drop-off facility within a thirty (30)-mile radius of retailer and to which the consumer may return covered equipment;

6. A system by which the manufacturer or the manufacturer's designee offers a designated local recycler within a thirty (30)-mile radius of retailer and to which the consumer may return covered equipment; or

7. Other method approved by the department.

(D) Collection services under this section may use existing collection and consolidation infrastructure for handling covered equipment and may include electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. Other suitable operations include, but are not limited to, local governments and solid waste management districts as established in section 260.305, RSMo. Collection services may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in paragraph (3)(C)1. of this rule, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

(E) The manufacturer—

1. Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site, including a list of all of the manufacturer's brands both in use and no longer in use;

2. Shall provide to the department a recovery plan in accordance with this rule and notification of the date by which that the manufacturer has, or will have, a compliant collection program. In order to be eligible for the department's list of manufacturers that have approved recovery plans and have notified the department of the date by which they have, or will have, a compliant collection program, a manufacturer must submit its recovery plan and notification no later than July 1, 2010; and

3. May include collection, recycling, and reuse information in the packaging or in other materials that accompany the manufacturer's covered equipment when the covered equipment is sold.

(F) Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with this rule or other law.

(G) On forms provided by the department, each manufacturer that has submitted a recovery plan shall submit an annual recycling report to the department by January 31 of each year after submitting a recovery plan that includes—

1. The weight of covered equipment collected, recycled, and reused during the preceding calendar year;

2. Documentation verifying the collection, recycling, and reuse of that covered equipment in a manner that complies with federal, state, and local laws; and

3. Any changes to their recovery plan.

(H) If more than one (1) person is a manufacturer of a certain brand of covered equipment, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under this rule for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the covered equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of this rule.

(I) The obligations under this rule of a manufacturer who manufactures or manufactured covered equipment, or sells or sold covered equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the covered equipment, extend to all covered equipment bearing that brand regardless of its date of manufacture.

(4) Retailer Responsibilities.

(A) A person who is a retailer of covered equipment shall not sell or offer to sell new covered equipment in this state unless the equipment is labeled with the manufacturer's brand(s) and the manufacturer is included on the department's list of manufacturers that have approved recovery plans and have notified the department that they have a compliant collection program.

(B) Retailers may go to the department's Internet site and view all manufacturers that are listed as having approved recovery plans and having notified the department that they have a compliant collection program. Covered equipment from manufacturers on that list may be sold in or into the state.

(C) A retailer is not required to collect covered equipment for recycling or reuse under this rule unless the retailer is also a manufacturer as defined in this rule. This does not mean that a retailer who is also a manufacturer has to collect covered equipment at a retail outlet.

(D) A retailer may assume the responsibility of the manufacturer if the retailer wants to sell covered equipment of a manufacturer that does not have an approved recovery plan.

(5) Sound Environmental Management.

(A) Covered equipment collected under this rule must be recycled or reused in a manner that complies with federal, state, and local law.

(B) The department adopts, as standards for recycling or reuse of covered equipment under this rule, the standards in "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries (ISRI), Inc., April 25, 2006, and "Responsible Recycling (R2) Practices for Use In Accredited Certification Programs for Electronics Recyclers" issued by the U.S. Environmental Protection Agency. The adopted standards apply to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

AUTHORITY: sections 260.1053, 260.1059, 260.1062, 260.1065, 260.1074, 260.1089, and 260.1101, RSMo Supp. 2008. Emergency rule filed June 19, 2008, effective July 1, 2009, expires Feb. 25, 2010. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

EMERGENCY AMENDMENT

13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance. The division is adding section (6).

PURPOSE: This amendment will establish the Medicaid Managed Care Organizations' Reimbursement Allowance for the three (3)-month period of July 2009 through September 2009 at five and forty-nine hundredths percent (5.49%).

EMERGENCY STATEMENT: The 95th General Assembly reauthorized the Medicaid Managed Care Organization Reimbursement Allowance (MCORA) by enacting House Bill 740, sections 208.431 through 208.437, RSMo. The authorization of the MCORA requires each Medicaid Managed Care Organization to pay for the privilege of engaging in the business of providing health benefit services in this state. House Bill 740 was deemed necessary for the immediate preservation of the public health, welfare, peace, and safety and was declared to be an emergency within the meaning of the constitution because of the need to preserve state revenue. On a quarterly basis the MCORA raises approximately $20,708,972. The MO HealthNet Division finds this emergency amendment to establish the MCORA assessment rate through September 2009 in regulation, as required by state statute, is necessary to preserve a compelling governmental interest of collecting state revenue to provide health care to individuals eligible for the MO HealthNet program. The MO HealthNet Division finds an immediate danger to public health and welfare of the approximately three hundred ninety-nine thousand (399,000) MO HealthNet individuals receiving healthcare from the Medicaid Managed Care Organizations that requires emergency action. If this emergency amendment is not enacted, there would be significant financial instability to the Medicaid Managed Care Organizations, which service approximately three hundred ninety-nine thousand (399,000) MO HealthNet participants. This financial instability will, in turn, result in an adverse impact on the health and welfare of those three hundred ninety-nine thousand (399,000) MO HealthNet participants in need of medical treatment. A proposed amendment, which covers the same material is published in this issue of the ***Missouri Register****. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions****. The MO HealthNet Division believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed June 19, 2009, becomes effective July 1, 2009, and expires September 30, 2009.*

(6) Medicaid MCORA Rates for SFY 2010. The Medicaid MCORA rates for SFY 2010 determined by the division, as set forth in subsection (1)(B) above, are as follows:

(A) The Medicaid MCORA will be five and forty-nine hundredths percent (5.49%) of the prior month Total Revenue received by each Medicaid MCO for the three (3)-month period of July 2009 through September 2009. The Medicaid MCORA will be collected for the three (3)-month period of July 2009 through September 2009. No Medicaid MCORA shall be collected by the Department of Social Services if the federal Centers for Medicare and Medicaid Services (CMS) determines that such reimbursement allowance is not authorized under Title XIX of the Social Security Act.

AUTHORITY: sections 208.201, 208.431, and 208.435, RSMo Supp. [2007] ***2008****. Original rule filed June 1, 2005, effective Dec. 30, 2005. For intervening history, please consult the* ***Code of State Regulations****. Emergency amendment filed June 19, 2009, effective July 1, 2009, expires Sept. 30, 2009.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program

EMERGENCY AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is adding section (17).

PURPOSE: This amendment will establish the Federal Reimbursement Allowance assessment beginning July 1, 2009 at five and forty hundredths percent (5.40%) of each hospital's inpatient and outpatient adjusted net revenues as determined from its base year cost report.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide health care to individuals eligible for the MO HealthNet program and for the uninsured. An early effective date is required because the emergency amendment is necessary to establish the Federal Reimbursement Allowance (FRA) assessment rate for State Fiscal Year (SFY) 2010 in regulation in order to collect the state revenue, beginning with the first Medicaid payroll for SFY 2010, to ensure access to hospital services for MO HealthNet participants and indigent patients at hospitals that have relied on MO HealthNet payments to meet those patients' needs. The Missouri Partnership Plan between the Centers for Medicare and Medicaid Services (CMS) and the Missouri Department of Social Services (DSS), which establishes a process whereby CMS and DSS determine the permissibility of the funding source used by Missouri to fund its share of the MO HealthNet program, is based on a state fiscal year. The MO HealthNet Division also finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri hospitals which service almost eight hundred fifty thousand (850,000) MO HealthNet participants plus the uninsured. This financial strain, in turn, will result in an adverse impact on the health and welfare of MO HealthNet participants and uninsured individuals in need of medical treatment. The FRA raises approximately $880,403,668 annually. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions****. The MO HealthNet Division believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed June 19, 2009, becomes effective July 1, 2009, and expires December 28, 2009.*

(17) Beginning July 1, 2009, the Federal Reimbursement Allowance (FRA) assessment shall be determined at the rate of five and forty hundredths percent (5.40%) of each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues from the hospital's 2007 Medicare/Medicaid cost report. The FRA assessment rate of five and forty hundredths percent (5.40%) will be applied individually to the hospital's inpatient adjusted net revenues and outpatient adjusted net revenues. The hospital's total FRA assessment beginning July 1, 2009 is the sum of the assessment determined from its inpatient adjusted net revenue plus the assessment determined for its outpatient adjusted net revenue.

AUTHORITY: section 208.201, RSMo Supp. [2007] ***2008*** *and sections 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. For intervening history, please consult the* ***Code of State Regulations****. Emergency amendment filed June 9, 2009, effective June 22, 2009, expired June 30, 2009. Emergency amendment filed June 19, 2009, effective July 1, 2009, expires Dec. 28, 2009.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 400—Life, Annuities and Health
Chapter 3—Medicare Supplement Insurance

EMERGENCY AMENDMENT

20 CSR 400-3.650 Medicare Supplement Insurance Minimum Standards Act. The division is adding sections (23) and (24).

AMENDMENT PURPOSE: Section 1882 of the Social Security Act states that, if a state does not implement standards at least as restrictive as the NAIC Model, the state loses its authority to certify Medicare Supplement policies. The National Association of Insurance Commissioners (NAIC) modified the model Medicare Supplement Insurance Minimum Standards Act. This emergency amendment conforms to the NAIC Model and is necessary to maintain Missouri's authority to certify Medicare Supplement policies.

EMERGENCY STATEMENT: This emergency amendment is necessary to protect a compelling governmental interest as the provisions related to the use of genetic information and genetic testing are required for the state to comply with Public Law 110-233, the Genetic Information Nondiscrimination Act of 2008 (GINA). On September 24, 2008, the National Association of Insurance Commissioners (NAIC) adopted revisions to the NAIC Medicare Supplement Insurance Minimum Standards Act. Section 104(d)(4) of GINA requires the state to enact the genetic information and genetic testing requirements by July 1, 2009. By enacting the GINA requirements, Missouri will have state provisions in place that prohibit discrimination based on genetic testing and information when insurers are issuing Medicare insurance supplements in this state. By prohibiting genetic discrimination, consumers may be more likely to have genetic diagnostic tests and obtain necessary treatment with lessened fear of insurance company reprisal. If the state does not enact the GINA requirements, it will be considered out-of-compliance with federal requirements and will lose its authority to regulate the GINA provisions. The federal Centers for Medicare and Medicaid Services would then regulate the GINA provisions in place of the state. The Department of Insurance, Financial Institutions and Professional Registration believes state-based insurance regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. Federal preemption in this area will undoubtedly lead to conflicts and confusion with consumers, industry, and regulators. This emergency amendment is necessary to ensure that insurance carriers understand their obligations under GINA and ensure that the state's genetic information and genetic testing requirements are uniform with the federal standard. As a result, the Missouri Department of Insurance, Financial Institutions and Professional Registration finds a compelling governmental interest which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency amendment is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. In developing this emergency amendment, representatives of the insurance industry were consulted, including representatives from America's Health Insurance Plans (AHIP). While developing the model, the NAIC also consulted with industry representatives and held public hearings. The Missouri Department of Insurance, Financial Institutions and Professional Registration believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 19, 2009, becomes effective July 1, 2009, and expires February 25, 2010.*

(23) Reserved.

(24) Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

(A) An issuer of a Medicare supplement policy or certificate shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

(B) Nothing in subsection (24)(A) shall be construed to prohibit an issuer, to the extent otherwise permitted by law, from—

1. Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for an employer based on the manifestation of a disease or disorder of an insured or applicant; or

2. Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one (1) individual cannot also be used as genetic information about other group members and to further increase the premium for the employer).

(C) An issuer of a Medicare supplement policy or certificate shall not request or require an individual or a family member of such individual to undergo a genetic test.

(D) Subsection (24)(C) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

(E) Subsection (24)(C) shall not be construed to preclude an issuer of a Medicare supplement policy or certificate from obtaining and using the results of a genetic test in making a determination regarding payment (as defined for the purposes of applying the regulations promulgated under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) and consistent with subsection (24)(A).

(F) For purposes of carrying out subsection (24)(E), an issuer of a Medicare supplement policy or certificate may request only the minimum amount of information necessary to accomplish the intended purpose.

(G) Notwithstanding subsection (24)(C), an issuer of a Medicare supplement policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

1. The request is made pursuant to research that complies with part 46 of title 45, *Code of Federal Regulations*, or equivalent federal regulations, and any applicable state or local law or regulation for the protection of human subjects in research.

2. The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

A. Compliance with the request is voluntary; and

B. Non-compliance will have no effect on enrollment status or premium or contribution amounts.

3. No genetic information collected or acquired under this subsection shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rates, or the issuance, renewal, or replacement of a policy or certificate.

4. The issuer notifies the secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subsection, including a description of the activities conducted.

5. The issuer complies with such other conditions as the secretary may by regulation require for activities conducted under this subsection.

(H) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information for underwriting purposes.

(I) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

(J) If an issuer of a Medicare supplement policy or certificate obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a

violation of subsection (24)(I) if such request, requirement, or purchase is not in violation of subsection (24)(H).

(K) For the purposes of this section—

1. "Issuer of a Medicare supplement policy or certificate" includes third-party administrator, or other person acting for or on behalf of such issuer;

2. "Family member" means, with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual;

3. "Genetic information" means, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term "genetic information" does not include information about the sex or age of any individual;

4. "Genetic services" means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education;

5. "Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes or an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved; and

6. "Underwriting purposes" means—

A. Rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

B. The computation of premium or contribution amounts under the policy;

C. The application of any pre-existing condition exclusion under the policy; and

D. Other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

*AUTHORITY: section 374.045, RSMo [2000] **Supp. 2008**. Original rule filed Oct. 15, 1998, effective June 30, 1999. Emergency amendment filed May 16, 2005, effective June 1, 2005, expired Feb. 2, 2006. Amended: Filed May 16, 2005, effective Nov. 30, 2005. Emergency amendment filed June 18, 2009, effective July 1, 2009, expires Feb. 25, 2010. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.362 Clean Air Interstate Rule Annual NO_x Trading Program. The commission proposes to amend subsections (1)(B), (2)(A), and (3)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. The Clean Air Interstate Rule was published on May 12, 2005. The purpose of this rulemaking is to update the incorporation by reference date in the definitions section to match recent revisions to the ***Code of Federal Regulations*** *(CFR) that excludes stationary, fossil-fuel-fired combustion turbines from the cogenerator exemption. In addition, facility identification numbers in the Tables will be updated to correspond with current identification codes. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the* ***Federal Register*** *Notice dated October 19, 2007.*

(1) Applicability.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR NO_x units—

1. Cogenerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule **and not a stationary, fossil-fuel-fired combustion turbine**—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990**,** or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(II) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%) (on a British thermal unit (Btu) basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no

longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in section 40 CFR 96.102 **promulgated as of October 19, 2007,** and **section** 96.103 of 40 CFR 96 subpart AA promulgated as of April 28, 2006**,** are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions.

(B) NO_x Allowances.

1. Timing requirements for CAIR NO_x allowance allocations.

A. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar years in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations listed in Table I of this rule.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year beginning 2015 and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

C. By October 31, 2015**,** and October 31 of every tenth year following, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year ten (10) years in the future and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

2. NO_x allowance allocations.

A. The state trading program NO_x budget allocated by the director under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a calendar year will equal fifty-nine thousand eight hundred seventy-one (59,871) tons for 2009–2014 and forty-nine thousand eight hundred ninety-two (49,892) tons for 2015 and beyond.

B. The following NO_x budget units shall be allocated NO_x allowances for each calendar year in accordance with Table I of **sub**paragraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide Pool	NO_x Allocation 2009–2014	NO_x Allocation 2015 and Beyond
2076	ASBURY	1	1.842%	1,097	914
2079	HAWTHORN STATION	5A	5.531%	3,294	2,743
2079	HAWTHORN STATION	6	0.053%	31	26
2079	HAWTHORN STATION	7	0.031%	18	15
2079	HAWTHORN STATION	8	0.027%	16	13
2079	HAWTHORN STATION	9	0.116%	69	58
2080	MONTROSE STATION	1	1.530%	911	759
2080	MONTROSE STATION	2	1.589%	947	788
2080	MONTROSE STATION	3	1.581%	942	784
2081	NORTHEAST #11		0.005%	3	2
2081	NORTHEAST #12		0.004%	2	2
2081	NORTHEAST #13		0.011%	7	6
2081	NORTHEAST #14		0.009%	5	5
2081	NORTHEAST #15		0.008%	4	4
2081	NORTHEAST #16		0.005%	3	2
2081	NORTHEAST #17		0.011%	6	5
2081	NORTHEAST #18		0.007%	4	3
2082	FAIRGROUNDS		0.004%	2	2
2092	RALPH GREEN	3	0.015%	9	8
2094	SIBLEY	1	0.514%	306	255
2094	SIBLEY	2	0.512%	305	254
2094	SIBLEY	3	3.319%	1,977	1,646
2096	AMEREN VIADUCT		0.001%	—	—
2098	LAKE ROAD	6	0.910%	542	452
2098	LAKE ROAD	5	0.009%	5	4
2102	HOWARD BEND		0.002%	1	1
2103	LABADIE	1	4.890%	2,913	2,425
2103	LABADIE	2	5.033%	2,998	2,496
2103	LABADIE	3	5.589%	3,329	2,772
2103	LABADIE	4	5.009%	2,984	2,484
2104	MERAMEC	1	1.225%	730	607
2104	MERAMEC	2	1.134%	676	562
2104	MERAMEC	3	1.966%	1,171	975
2104	MERAMEC	4	2.985%	1,778	1,480
2104	MERAMEC	GT1	0.000%	2	2
2104	MERAMEC	GT2	0.000%	3	2
2107	SIOUX	1	3.891%	2,318	1,930
2107	SIOUX	2	3.832%	2,282	1,900
2122	CHILLICOTHE		0.003%	2	2
2123	COLUMBIA	6	0.068%	41	34
2123	COLUMBIA	7	0.073%	44	36
2123	COLUMBIA	8	0.001%	1	—
2132	BLUE VALLEY POWER	3	0.270%	161	134
2132	BLUE VALLEY POWER	GT1	0.000%	—	—
2161	JAMES RIVER	GT1	0.025%	15	12
2161	JAMES RIVER	GT2	0.015%	9	8
2161	JAMES RIVER	3	0.492%	293	244
2161	JAMES RIVER	4	0.604%	360	300
2161	JAMES RIVER	5	1.031%	614	511
2167	NEW MADRID POWER PLANT	1	4.611%	2,747	2,287
2167	NEW MADRID POWER PLANT	2	5.095%	3,035	2,527
2168	THOMAS HILL ENERGY CENTER	MB1	1.891%	1,126	938
2168	THOMAS HILL ENERGY CENTER	MB2	2.792%	1,663	1,385
2168	THOMAS HILL ENERGY CENTER	MB3	6.793%	4,046	3,369
2169	CHAMOIS POWER PLANT	2	0.530%	315	263
6065	IATAN STATION	1	6.699%	3,990	3,322
6074	GREENWOOD ENERGY CENTER	1	0.021%	12	10
6074	GREENWOOD ENERGY CENTER	2	0.020%	12	10
6074	GREENWOOD ENERGY CENTER	3	0.024%	14	12
6074	GREENWOOD ENERGY CENTER	4	0.025%	15	12
6155	RUSH ISLAND	1	4.838%	2,882	2,399
6155	RUSH ISLAND	2	4.613%	2,748	2,287
6195	SOUTHWEST	1	2.248%	1,339	1,115
6195	SOUTHWEST	CT1A	0.005%	3	2
6195	SOUTHWEST	CT1B	0.005%	3	2

6195	SOUTHWEST	CT2A	0.005%	3	2
6195	SOUTHWEST	CT2B	0.005%	3	2
6223	EMPIRE	3A	0.004%	2	2
6223	EMPIRE	3B	0.004%	2	2
6223	EMPIRE	4A	0.003%	2	2
6223	EMPIRE	4B	0.003%	2	2
*[6563]***6223**	EMPIRE—ENERGY CENTER 1		0.036%	21	18
*[6563]***6223**	EMPIRE—ENERGY CENTER 2		0.031%	19	16
6650	MEXICO		0.003%	2	2
6651	MOBERLY		0.002%	2	1
6652	MOREAU		0.003%	2	2
6768	SIKESTON	1	2.612%	1,556	1,295
7296	STATE LINE UNIT 1	1	0.131%	78	65
7296	STATE LINE UNIT 1	2-1	0.204%	122	101
7296	STATE LINE UNIT 1	2-2	0.256%	153	127
7604	ST. FRANCIS POWER PL	1	0.155%	92	77
7604	ST. FRANCIS POWER PL	2	0.117%	70	58
7749	ESSEX POWER PLANT	1	0.018%	11	9
7754	NODAWAY POWER PLANT	1	0.019%	11	9
7754	NODAWAY POWER PLANT	2	0.018%	11	9
7848	HOLDEN POWER PLANT	1	0.004%	2	2
7848	HOLDEN POWER PLANT	2	0.006%	4	3
7848	HOLDEN POWER PLANT	3	0.004%	2	2
7903	MCCARTNEY	MGS1A	0.002%	1	1
7903	MCCARTNEY	MGS1B	0.002%	1	1
7903	MCCARTNEY	MGS2A	0.002%	1	1
7903	MCCARTNEY	MGS2B	0.002%	1	1
7964	PENO CREEK ENERGY CTR	CT1A	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT1B	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT2A	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT2B	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT3A	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT3B	0.003%	2	1
7964	PENO CREEK ENERGY CTR	CT4A	0.003%	1	1
7964	PENO CREEK ENERGY CTR	CT4B	0.002%	1	1
*[8567]***2131**	HIGGINSVILLE		0.006%	3	3
55178	MEP PLEASANT HILL	CT-1	0.166%	99	82
55178	MEP PLEASANT HILL	CT-2	0.153%	91	76
55234	AUDRAIN GENERATING	CT1	0.001%	1	1
55234	AUDRAIN GENERATING	CT2	0.001%	1	—
55234	AUDRAIN GENERATING	CT3	0.001%	1	—
55234	AUDRAIN GENERATING	CT4	0.001%	1	—
55234	AUDRAIN GENERATING	CT5	0.001%	1	1
55234	AUDRAIN GENERATING	CT6	0.000%	—	—
55234	AUDRAIN GENERATING	CT7	0.000%	—	—
55234	AUDRAIN GENERATING	CT8	0.001%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT03	0.001%	1	—
55447	COLUMBIA ENERGY CTR	CT04	0.001%	—	—
	Energy Efficiency/Renewable Energy set aside			300	300
	Total		100.000%	59,871	49,892

C. Any unit subject to section (1) of this rule other than those listed in Table I of this subsection will not be allocated NO_x budget allowances under this rule.

D. *Reserved.*

E. Any person seeking set-aside allowances for energy efficiency and renewable generation projects shall meet the requirements of subparagraph (3)(B)2.E. of this rule.

(I) The purpose for establishing this set-aside is to allocate allowances to serve as incentives for saving or generating electricity through the implementation of energy efficiency and renewable generation projects as defined in this section.

(a) Each energy efficiency and renewable generation set-aside shall contain the number of NO_x allowances as provided in Table I of this subsection.

(b) Awards of allowances will be available only to eligible energy efficiency or renewable generation projects that—

I. Commence operation after September 1, 2005;

II. Reduce electricity use, generate electricity from renewable resources, or provide combined heat and power benefits during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008, through December 31, 2008, or subsequent twelve (12)-month energy efficiency/renewable energy project periods; and

III. In an application submitted by March 1 of each year, include adequate documentation of these energy savings, renewable energy generation, or combined heat and power benefits.

(c) Projects will be awarded allowances for the control period following the twelve (12)-month energy efficiency/renewable energy project period during which the qualifying project activities took place. For example, sponsors of project activities that take place during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008, through December 31, 2008, will receive allowances for the 2009 control period.

(d) Eligible projects located in Missouri may qualify for awards from the set-aside for up to seven (7) consecutive control periods. Eligible projects located outside Missouri may qualify for awards for up to five (5) consecutive control periods.

(e) Department actions on applications for awards from the set-aside. The department shall act upon applications as follows:

I. By May 31 of the control period for which NO_x allowances are requested, the department shall take the following actions:

a. For each application, the department shall determine whether the project is eligible and the application is complete and shall notify the applicant of its determination; and

b. For the eligible and complete applications, the department shall calculate the total number of allowances which the projects are qualified to receive, not to exceed the total number of allowances allocated to the set-aside as provided in Table I of this subsection, and shall award said allowances to eligible energy efficiency or renewable generation projects.

II. If the number of allowances awarded is fewer than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall transfer surplus allowances to the accounts of the electric utilities listed in Table I of this subsection on a pro rata basis in the same proportion as allocations to NO_x budget units set forth in Table I of this subsection.

III. If the number of allowances claimed for award is more than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall allocate awards to sponsors of eligible projects as follows:

a. Up to the first one hundred fifty (150) allowances in the set-aside shall be awarded for eligible projects located in Missouri, as follows. Up to the first sixty (60) allowances shall be awarded for eligible energy efficiency projects in the order that the projects first achieved eligible status. The remaining allowances shall be awarded for eligible projects located in Missouri in the order the projects first achieved eligible status, regardless of the type of project; and

b. The remaining allowances in the set-aside shall be awarded for eligible projects on a pro rata basis in proportion to total remaining claims for awards, regardless of project location.

(II) Project eligibility. Allocations from the energy efficiency and renewable generation set-aside may be requested by any entity, including an electric utility listed in Table I of this subsection or its affiliate, that implements and demonstrates eligible projects as defined in this subparagraph.

(a) Eligibility requirements. The department shall establish requirements for project eligibility and shall determine which projects are eligible to receive awards from the set-aside.

(b) Only the following shall be eligible for awards from the set-aside:

I. Energy efficiency projects resulting in reduced or more efficient electricity use through the voluntary installation, replacement, or modification of equipment, fixtures, or materials in a building or facility.

a. Energy efficiency projects may be directed toward or located within buildings or facilities owned, leased, operated, or controlled by an electric utility listed in Table I of this subsection or its affiliate. Eligibility requirements for these projects shall be the same as for any other energy efficiency project.

b. Energy efficiency projects may include demand-side programs that result in reduced or more efficient electricity use;

II. Renewable generation projects, includes electric generation from wind, photovoltaic systems, biogas, and hydropower projects. Renewable generation projects do not include nuclear power projects. Eligible biogas projects include projects to generate electricity from methane gas captured from sanitary landfills, wastewater treatment plants, sewage treatment plants, or agricultural livestock waste treatment systems. Eligible hydropower projects are restricted to systems—

a. That are certified by the Low Impact Hydropower Institute;

b. That employ a head of ten feet (10') or less; or

c. Employing a head greater than ten feet (10') that make use of a dam that existed prior to the effective date of this rule;

III. Renewable biomass generation projects include projects in which one (1) or more biomass fuels is fired separately or co-fired with one (1) or more fossil fuels to generate electricity. Biomass includes wood and wood waste, energy crops such as switchgrass, and agricultural wastes such as crop and animal waste. Electric generation from combustion of municipal solid waste is not included; and

IV. Combined heat and power (CHP) projects that use integrated technologies, including cogeneration, which convert fuel to electric, thermal, and mechanical energy for on-site or local use. In the case of electricity generation, combined heat and power can include export of power to the local electric utility transmission grid. The thermal energy from combined heat and power systems can be created and used in the form of steam, hot or chilled water for process, space heating or cooling, or other applications. To be eligible, the combined heat and power installation must meet or exceed technology-specific efficiency thresholds that will be established by the department.

(c) Additional eligibility requirements shall include the following:

I. Project information must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. Only projects that are not required by federal government regulation and that are not and will not be used to generate compliance or permitting credits otherwise in the state implementation plan (SIP) are eligible to receive allowances from the set-aside;

III. Only electricity generation or savings that are not the basis for an award of CAIR annual NO_x allowance from a set-aside in another state's CAIR annual NO_x rule can be the basis for a claim from the Missouri set-aside;

IV. Only projects that equal at least one (1) ton of NO_x emissions, using conventional arithmetic rounding, are eligible to receive allowances from the set-aside. Multiple projects may be aggregated into a single allowance allocation request to equal one (1) or more tons of NO_x emissions;

V. Only projects that commence operation after September 1, 2005, are eligible to receive allowances from the set-aside;

VI. Sponsors must establish a compliance account or general account in EPA's NO_x Allowance Tracking System (NATS). The application for an award from the set-aside must be submitted to the department by the CAIR authorized account representative or alternate CAIR authorized account representative for the compliance account or general account; and

VII. Location of eligible projects.

a. To be eligible, an energy efficiency project or combined heat and power project must be located within Missouri.

b. To be eligible, a renewable generation project or biomass generation project may be located within or outside of Missouri and must meet the following criteria:

(i) The number of allowances awarded to a renewable generation project or biomass generation project located within or outside of Missouri shall be calculated based on the amount of power the facility delivers to Missouri end-use customers. The sponsor must certify and demonstrate the amount of power from the renewable generation project or biomass generation project that is delivered to Missouri end-use customers; and

(ii) If the renewable generation project or biomass generation project is located outside of Missouri, the project must be sponsored by a Missouri electric generation and transmission cooperative, a Missouri electric distribution utility, or the affiliate of a Missouri electric distribution utility. For the purpose of this rule, "affiliate" shall be defined as in 4 CSR 240-20.010.

(d) Pre-application project review. Sponsors of new energy efficiency/renewable energy projects must submit a request for pre-application project review by March 31 of the year prior to the control period for which set-aside awards will be claimed. For example, a project sponsor intending to apply for an award of 2009 control period allowances must request a pre-application project review by March 31, 2008, and may request the review at any time prior to that date. Pre-application project reviews will cover eligibility requirements and proposed measurement and verification procedures. The request for pre-application project review must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

(e) Eligibility for any project may be claimed by only one (1) entity. The department shall determine procedures to be followed if multiple claims of eligibility for the same project are received.

(III) Applications and calculations of awards. To qualify for an award of allowances from the set-aside an applicant must meet the following requirements:

(a) The project must be eligible as provided in part (3)(B)2.E.(II) of this rule;

(b) By March 1 following the twelve (12)-month energy efficiency/renewable energy project period during which the eligible project activities occurred, the department must receive a complete application that meets the following requirements:

I. The application shall be prepared on forms provided by the department and must be submitted by the project's CAIR authorized account representative or alternate CAIR authorized account representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. The applicant must demonstrate electricity savings or renewable generation and calculate the NO_x allowance award requested using methods that adhere to measurement and verification standards approved by the department. The department shall have the right to require verification of data and calculations that are presented in an application as a condition for awarding allowances to the applicant. Verification may include site visits by agents of the department; and

III. If the applicant intends to reapply in subsequent years, the application must indicate the stream of benefits that is expected in subsequent years;

(c) The department shall determine methods for calculating awards of allowances based upon the following principles:

I. Allowances awarded to end-use electrical energy efficiency projects shall be calculated as the number of MWh of electricity saved during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding. The department shall provide a factor to adjust the calculation of electricity saved to account for transmission and distribution line losses;

II. Allowances awarded to renewable generation projects from wind, photovoltaic systems, biogas, and hydropower projects shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding;

III. Allowances awarded to renewable biomass generation projects shall be calculated based on net NO_x emission reductions, appropriately converted and rounded to tons using conventional arithmetic rounding where—

a. Net NO_x emissions shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh, minus the tons of NO_x emitted by the renewable generating project during the twelve (12)-month energy efficiency/renewable energy project period; and

b. When biomass is co-fired with other fuels, its share of electric generation and NO_x emissions shall be calculated based on its share of the total heat content of all fuels used in the co-firing process; and

IV. Allowances awarded to combined heat and power (CHP) projects shall be calculated based on the difference between actual NO_x emissions from the CHP system and the NO_x emissions that would be emitted by an equivalent business-as-usual (BAU) system. An equivalent BAU system consists of a conventional power plant that produces electricity plus a conventional industrial boiler that produces useful heat (heat used for space, water, or industrial process heat). The department shall provide efficiency and NO_x emission rates to be used in calculating NO_x emissions from the equivalent BAU system. In addition, to qualify for an award, a CHP system shall be required to achieve an efficiency threshold. The threshold shall be set by the department and the efficiency of the CHP system shall be calculated based on a method provided by the department; and

(d) The sponsor of a project located in Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional six (6) consecutive control periods by meeting the following requirements. The sponsor of a project located outside of Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional four (4) consecutive control periods by meeting the following requirements:

I. Reapplication must be received by March 1 following the last day of the twelve (12)-month energy efficiency/renewable energy project period during which the energy efficiency and renewable electric generation activities took place; and

II. The reapplication must be prepared on forms provided by the department and must be submitted by the project's CAIR authorized account representative or alternate CAIR authorized account representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the

regulated community for a forty-five (45)-day comment period;

3. Compliance supplement pool.

A. For any CAIR NO_x unit in the state that achieves NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, the CAIR designated representative of the unit may request early reduction credits, and allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The owners and operators of such CAIR NO_x unit shall monitor and report the NO_x emissions rate and the heat input of the unit in accordance with section (4) of this rule in each calendar year for which early reduction credit is requested;

(II) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009, a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the sum of the amounts (in tons) of the unit's NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, determined in accordance with section (4) of this rule; and

(III) For units subject to the Acid Rain Program that do not have an applicable NO_x emission limit, the Acid Rain Program NO_x emission rate limit that would have applied had the unit been limited by Acid Rain Program NO_x requirements or state emission rate limit shall be utilized to determine the number of potential CAIR NO_x allowances those units may receive.

B. For any CAIR NO_x unit in the state whose compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year, the CAIR designated representative of the unit may request the allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009, a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the minimum amount of CAIR NO_x allowances necessary to remove such undue risk to the reliability of electricity supply; and

(II) In the request under paragraph (3)(B)3. of this rule, the CAIR designated representative of such CAIR NO_x unit shall demonstrate that, in the absence of allocation to the unit of the amount of CAIR NO_x allowances requested, the unit's compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year. This demonstration must include a showing that it would not be feasible for the owners and operators of the unit to:

(a) Obtain a sufficient amount of electricity from other electricity generation facilities, during the installation of control technology at the unit for compliance with the CAIR NO_x emissions limitation, to prevent such undue risk; or

(b) Obtain under subparagraphs (3)(B)3.A. and C. of this rule, or otherwise obtain, a sufficient amount of CAIR NO_x allowances to prevent such undue risk.

C. The permitting authority will review each request under subparagraphs (3)(B)3.A. and B. of this rule submitted by May 1, 2009, and will allocate CAIR NO_x allowances for the calendar year 2009 to CAIR NO_x units in the state and covered by such request as follows:

(I) Upon receipt of each such request, the permitting authority will make any necessary adjustments to the request to ensure that the amount of the CAIR NO_x allowances requested meets the requirements of subparagraph (3)(B)3.A. or B. of this rule;

(II) If the total amount of CAIR NO_x allowances in all requests (as adjusted under part (3)(B)3.C.(I) of this rule) is not more than nine thousand forty-four (9,044), the permitting authority will allocate to each CAIR NO_x unit covered by such requests the amount of CAIR NO_x allowances requested (as adjusted under part (3)(B)3.C.(I) of this rule); and

(III) If the total amount of CAIR NO_x allowances in all requests (as adjusted under part (3)(B)3.C.(I) of this rule) is more than nine thousand forty-four (9,044), the permitting authority will allocate CAIR NO_x allowances to each CAIR NO_x unit covered by such requests as follows:

(a) The compliance supplement pool shall be divided into two (2) pools of three thousand fifteen (3,015) allowances and six thousand twenty-nine (6,029) allowances each;

(b) Units located in Buchanan, Jackson, or Jasper County that combust at least one hundred thousand (100,000) passenger tire equivalents in each of 2007 and 2008 shall be eligible to request CAIR NO_x allowances from the smaller pool;

(c) CAIR NO_x allowances from the smaller pool shall be allocated according to the following formula:

Unit's allocation = Unit's adjusted allocation × (3,015/Total adjusted allocations for eligible units)

Where:
"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.
"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.
"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under paragraph (3)(B)1. of this rule by the units identified in subpart (3)(B)3.C.(III)(b) of this rule.

(d) Units that receive CAIR NO_x allowances from the smaller portion of the compliance supplement pool shall not be eligible to receive CAIR NO_x allowances from the remaining portion of the compliance supplement pool; and

(e) Any CAIR NO_x allowances not allocated under subpart (3)(C)3.C.(III)(c) shall be added to the pool of six thousand twenty-nine (6,029) allowances and allocated according to the following formula:

Unit's allocation = Unit's adjusted allocation × ((6,029 + Remainder from first allocation)/Total adjusted allocations for eligible units)

Where:
"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.
"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.
"Remainder from first allocation" is the amount of CAIR NO_x allowances from the smaller pool not allocated under subparagraph (3)(C)3.C.
"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested for all units under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule by units that were not allocated CAIR NO_x allowances under subparagraph (3)(C)3.C. of this rule; and

4. By November 30, 2009, the permitting authority will determine, and submit to the administrator, the allocations under subparagraphs (3)(B)3.B. and (3)(B)3.C. of this rule; and

5. By January 1, 2010, the administrator will record the allocations under subparagraphs (3)(B)3.B. and (3)(B)3.C. of this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2009. The public hearing will be held at the Hyatt Regency Crown Center, San Francisco A and B, 2345 McGee Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m, October 1, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program. The commission proposes to amend subparagraphs (1)(B), (2)(A), and (3)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

*PURPOSE: This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. The Clean Air Interstate Rule was published on May 12, 2005. The purpose of this rulemaking is to update the incorporation by reference date in the definitions section to match recent revisions to the **Code of Federal Regulations** (CFR) that excludes stationary, fossil-fuel-fired combustion turbines from the cogenerator exemption. In addition, facility identification numbers in the Tables will be updated to correspond with current identification codes. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the **Federal Register** Notice dated October 19, 2007.*

(1) Applicability.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR NO_x Ozone Season units—

1. Cogenerator exemption.

A. Any unit that is a CAIR Ozone Season NO_x unit under paragraph (1)(A)1. or 2. of this rule **and not a stationary, fossil-fuel-fired combustion turbine**—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990**,** or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR Ozone Season NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(I) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR NO_x Ozone Season unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR NO_x Ozone Season unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x Ozone Season unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in section 40 CFR 96.302 **promulgated as of October 19, 2007,** and **section** 96.303 of 40 CFR 96 subpart AAAA promulgated as of April 28, 2006**,** are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions.

(B) CAIR NO_x Ozone Season Allowances.

1. Timing requirements for CAIR NO_x Ozone Season Allowance allocations.

A. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations established in Table I and Table II of this subsection.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control

period beginning 2015 and extending through ten (10) control periods consistent with the allocations established in Table I and Table II of this subsection.

C. By October 31, 2015**,** and October 31 of every tenth year following, the permitting authority will submit to the administrator CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control period ten (10) years in the future and extending through ten (10) control periods consistent with Table I and Table II of this subsection.

2. CAIR NO_x Ozone Season Allowance allocations.

A. The state trading program NO_x budget allocated by the director under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a control period will equal twenty-six thousand seven hundred thirty-seven (26,737) tons for 2009-2014 and twenty-two thousand two hundred ninety (22,290) tons for 2015 and beyond.

B. The following CAIR NO_x ozone season units shall be allocated NO_x allowances for each control period in accordance with Table I of subparagraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide Pool	NO_x Allocation 2009–2014	NO_x Allocation 2015 and Beyond
2076	ASBURY	1	1.85%	493	410
2079	HAWTHORN STATION	5A	5.51%	1,469	1,224
2079	HAWTHORN STATION	6	0.09%	25	21
2079	HAWTHORN STATION	7	0.05%	13	11
2079	HAWTHORN STATION	8	0.04%	11	9
2079	HAWTHORN STATION	9	0.23%	62	51
2080	MONTROSE STATION	1	1.53%	408	340
2080	MONTROSE STATION	2	1.55%	414	345
2080	MONTROSE STATION	3	1.63%	435	363
2081	NORTHEAST #11		0.01%	2	2
2081	NORTHEAST #12		0.01%	2	1
2081	NORTHEAST #13		0.02%	4	3
2081	NORTHEAST #14		0.01%	3	3
2081	NORTHEAST #15		0.01%	3	2
2081	NORTHEAST #16		0.01%	2	2
2081	NORTHEAST #17		0.01%	4	3
2081	NORTHEAST #18		0.01%	3	3
2082	FAIRGROUNDS		0.01%	2	2
2092	RALPH GREEN		0.03%	8	7
2094	SIBLEY	1	0.52%	138	115
2094	SIBLEY	2	0.50%	135	112
2094	SIBLEY	3	3.31%	884	737
2096	AMEREN VIADUCT		0.00%	—	—
2098	LAKE ROAD	6	0.86%	231	192
2098	LAKE ROAD (GAS TURBINE)	5	0.02%	5	4
2102	HOWARD BEND CT		0.00%	1	1
2103	LABADIE	1	4.57%	1,220	1,017
2103	LABADIE	2	4.84%	1,292	1,076
2103	LABADIE	3	5.19%	1,384	1,153
2103	LABADIE	4	4.81%	1,283	1,069
2104	MERAMEC	1	1.25%	333	278
2104	MERAMEC	2	1.14%	305	254
2104	MERAMEC	3	1.98%	529	441
2104	MERAMEC	4	2.89%	770	641
2104	MERAMEC	GT1		—	—
2107	SIOUX	1	3.68%	981	817
2107	SIOUX	2	3.68%	982	818
2122	CHILLICOTHE		0.01%	2	2
2123	COLUMBIA	6	0.09%	24	20
2123	COLUMBIA	7	0.10%	28	23
2123	COLUMBIA	8	0.00%	1	—
2132	BLUE VALLEY POWER	3	0.31%	84	70
2132	BLUE VALLEY POWER	GT1	0.00%	—	—
2161	JAMES RIVER	GT1	0.05%	13	11
2161	JAMES RIVER	GT2	0.03%	9	7
2161	JAMES RIVER	3	0.48%	129	108
2161	JAMES RIVER	4	0.62%	164	137
2161	JAMES RIVER	5	1.07%	285	238
2167	NEW MADRID POWER PLA	1	4.76%	1,271	1,059
2167	NEW MADRID POWER PLA	2	4.94%	1,318	1,098
2168	THOMAS HILL ENERGY C	MB1	1.90%	506	422
2168	THOMAS HILL ENERGY C	MB2	2.73%	729	608
2168	THOMAS HILL ENERGY C	MB3	6.63%	1,769	1,474
2169	CHAMOIS POWER PLANT	2	0.52%	138	115
6065	IATAN STATION	1	7.04%	1,877	1,564
6074	GREENWOOD ENERGY CENT	1	0.04%	10	9
6074	GREENWOOD ENERGY CENT	2	0.04%	10	8
6074	GREENWOOD ENERGY CENT	3	0.04%	12	10
6074	GREENWOOD ENERGY CENT	4	0.04%	11	9
6155	RUSH ISLAND	1	5.05%	1,346	1,122
6155	RUSH ISLAND	2	4.58%	1,221	1,018
6195	SOUTHWEST	1	2.28%	609	507
6195	SOUTHWEST	CT1A	0.01%	3	2
6195	SOUTHWEST	CT1B	0.01%	3	2
6195	SOUTHWEST	CT2A	0.01%	2	2

6195	SOUTHWEST	CT2B	0.01%	2	2
6223	EMPIRE	3A	0.01%	2	2
6223	EMPIRE	3B	0.01%	2	2
6223	EMPIRE	4A	0.01%	2	2
6223	EMPIRE	4B	0.01%	2	2
*[6563]***6223**	EMPIRE—ENERGY CENTER 1		0.06%	16	13
*[6563]***6223**	EMPIRE—ENERGY CENTER 2		0.04%	9	8
6650	MEXICO		0.00%	1	1
6651	MOBERLY		0.00%	1	1
6652	MOREAU		0.01%	2	1
6768	SIKESTON	1	2.62%	698	582
7296	STATE LINE UNIT 1	1	0.17%	46	38
7296	STATE LINE UNIT 1	2-1	0.32%	85	71
7296	STATE LINE UNIT 1	2-2	0.37%	98	82
7604	ST. FRANCIS POWER PL	1	0.21%	55	46
7604	ST. FRANCIS POWER PL	2	0.18%	49	41
7749	ESSEX POWER PLANT	1	0.03%	9	8
7754	NODAWAY POWER PLANT	1	0.04%	10	8
7754	NODAWAY POWER PLANT	2	0.03%	9	7
7848	HOLDEN POWER PLANT	1	0.01%	2	2
7848	HOLDEN POWER PLANT	2	0.01%	3	3
7848	HOLDEN POWER PLANT	3	0.01%	3	2
7903	MCCARTNEY	MGS1A	0.00%	1	1
7903	MCCARTNEY	MGS1B	0.00%	1	1
7903	MCCARTNEY	MGS2A	0.00%	1	1
7903	MCCARTNEY	MGS2B	0.00%	1	1
7964	PENO CREEK ENERGY CTR	CT1A	0.01%	2	1
7964	PENO CREEK ENERGY CTR	CT1B	0.01%	1	1
7964	PENO CREEK ENERGY CTR	CT2A	0.01%	2	1
7964	PENO CREEK ENERGY CTR	CT2B	0.01%	2	1
7964	PENO CREEK ENERGY CTR	CT3A	0.01%	1	1
7964	PENO CREEK ENERGY CTR	CT3B	0.01%	1	1
7964	PENO CREEK ENERGY CTR	CT4A	0.01%	1	1
7964	PENO CREEK ENERGY CTR	CT4B	0.00%	1	1
*[8567]***2131**	HIGGINSVILLE		0.01%	3	3
55178	MEP PLEASANT HILL	CT-1	0.28%	75	63
55178	MEP PLEASANT HILL	CT-2	0.25%	67	56
55234	AUDRAIN GENERATING	CT1	0.00%	1	—
55234	AUDRAIN GENERATING	CT2	0.00%	—	—
55234	AUDRAIN GENERATING	CT3	0.00%	—	—
55234	AUDRAIN GENERATING	CT4	0.00%	—	—
55234	AUDRAIN GENERATING	CT5	0.00%	—	—
55234	AUDRAIN GENERATING	CT6	0.00%	—	—
55234	AUDRAIN GENERATING	CT7	0.00%	—	—
55234	AUDRAIN GENERATING	CT8	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.00%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT03	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT04	0.00%	—	—
	Total		100.00%	26,678	22,231

C. The following existing non-electric generating unit (EGU) boilers shall be allocated NOx allowances for each control period in accordance with Table II of subparagraph (3)(E)2.C of this rule.

Table II

Non-EGUs Boilers	Unit	NO_x Allocation per Unit Tons Per Ozone Season
Anheuser Busch	6	14
Trigen Ashley Street Station Boiler	5	9
Trigen Ashley Street Station Boiler	6	36

D. Any unit subject to subsection (1)(B) of this rule, other than those listed in Tables I and II of this subsection, will not be allocated CAIR NO_x Ozone Season Allowances under this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2009. The public hearing will be held at the Hyatt Regency Crown Center, San Francisco A and B, 2345 McGee Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m, October 1, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.366 Clean Air Interstate Rule SO_2 Trading Program. The commission proposes to amend subsections (1)(B) and (2)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

*PURPOSE: This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for sulfur dioxide, which was developed to meet the requirements of the Clean Air Interstate Rule. The Clean Air Interstate Rule was published on May 12, 2005. The purpose of this rulemaking is to update the incorporation by reference date in the definitions section to match recent revisions to the **Code of Federal Regulations** (CFR) that excludes stationary, fossil-fuel-fired combustion turbines from the cogenerator exemption. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the **Federal Register** Notice dated October 19, 2007.*

(1) Applicability.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR SO_2 units:

1. Cogenerator exemption.

A. Any unit that is a CAIR SO_2 unit under paragraph (1)(A)1. or 2. of this rule **and not a stationary, fossil-fuel-fired combustion turbine**—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990**,** or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO_2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(II) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR SO_2 unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%) (on a British thermal unit (Btu) basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR SO_2 unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO_2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in sections 40 CFR 96.202 **promulgated as of October 19, 2007,** and 96.203 of 40 CFR 96 subpart AAA promulgated as of April 28, 2006**,** are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2009. The public hearing will be held at the Hyatt Regency Crown Center, San Francisco A and B, 2345 McGee Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m, October 1, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 19—Electronics Scrap Management

PROPOSED RULE

10 CSR 25-19.010 Electronics Scrap Management

PURPOSE: This rule clarifies the responsibilities of computer equipment manufacturers, retailers, recyclers, and the department for providing recycling or reuse of certain consumer electronic equipment at no additional cost. This rule contains procedures for manufacturers to submit and implement recovery plans and standards for recyclers that process equipment collected under the recovery plans.

(1) Definitions. The following terms, when used in this rule, have the following meanings:

(A) Brand—The name, symbol, logo, trademark, or other information that identifies a whole product rather than the components of the product;

(B) Consumer—An individual who uses computer equipment that is purchased primarily for personal or home business use;

(C) Covered equipment—Electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions. Equipment includes a desktop, notebook or laptop computer, including a computer monitor or other display device that does not contain a tuner, and the accompanying keyboard and mouse associated with the computer of the same manufacturing brand.

1. Desktop computer—A computer with a main unit that is intended to be located in a permanent location, often on a desk or on the floor.

2. Notebook or laptop computer—A computer with an incorporated video display greater than four inches (4") in size measured diagonally and can be carried as one (1) unit by an individual. A notebook computer is sometimes referred to as laptop computer or tablet computer;

(D) Manufacturer—A person, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, or any other legal entity whatever which is recognized by law as the subject of rights and duties—

1. Who manufactures or manufactured covered equipment under a brand that—

A. The person owns or owned; or

B. The person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

2. Who sells or sold covered equipment manufactured by others under a brand that—

A. The person owns or owned; or

B. The person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

3. Who manufactures or manufactured covered equipment without affixing a label with a brand;

4. Who manufactures or manufactured covered equipment to which the person affixes or affixed a label with a brand that—

A. The person does not or has not owned; or

B. The person is not or was not licensed to use; or

5. Who imports or imported covered equipment manufactured outside the United States into the United States, unless at the time of importation the company or licensee that sells or sold the covered equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer;

(E) Recycler—A person or group that engages in recycling of covered equipment;

(F) Recycling—The transforming or remanufacturing of unwanted covered equipment into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include energy recovery or energy generation by means of combusting of unwanted covered equipment with or without other waste;

(G) Retailer—A person who owns or operates a business that sells new computer equipment, including sales through a sales outlet, the Internet, or a catalog, whether or not the seller has a physical presence in this state;

(H) Reuse—The use of a used product or part of a used product, which has been recovered or diverted from the solid waste stream, for its original intended purpose; and

(I) Tuner—An electronic device or circuit used to select signals at a specific frequency for amplification and conversion to pictures or sound.

(2) Applicability.

(A) The collection, recycling, and reuse provisions of this rule apply exclusively to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state.

(B) This rule does not apply to—

1. A television, any part of a motor vehicle, an automated typewriter or typesetter, a portable handheld calculator, a personal digital assistant, a printer, or a telephone; or

2. A consumer's lease of computer equipment or a consumer's use of computer equipment under a lease agreement.

(C) This rule applies to the following persons, as defined in this rule:

1. Manufacturers;

2. Retailers;

3. Consumers; and

4. Recyclers.

(D) Facilities involved, under this rule, in the collection of used covered equipment for recycling or the recycling of used covered equipment must be in compliance with this rule.

(3) Manufacturer Responsibility.

(A) Before a manufacturer may offer covered equipment for sale in this state, the manufacturer shall—

1. Adopt and implement a recovery plan approved by the department;

2. Affix a permanent, readily visible label to the covered equipment with the manufacturer's brand(s); and

3. Comply with reporting requirements of this rule.

(B) The recovery plan shall be submitted on forms provided by the department and shall enable a consumer to recycle covered equipment without paying a separate fee at the time of recycling and must include provisions for—

1. The manufacturer's collection from a consumer of any used covered equipment labeled with the manufacturer's brand(s);

2. Recycling or reuse of covered equipment collected under paragraph 1. of this subsection, including information for the consumer on how and where to return the covered equipment labeled with the manufacturer's brand(s) at no cost to the consumer. This information must include, at a minimum, an Internet link that consumers can access to find out specifically how and where to return

the covered equipment labeled with the manufacturer's brand(s). If the Internet link is going to change, the manufacturer shall notify the department of what the new Internet link will be at least thirty (30) days in advance;

3. Method or methods of collection of covered equipment that is—

A. Reasonably convenient and available to consumers in this state; and

B. Designed to meet the collection needs of consumers in this state;

4. A statement that there will be no separate fee required to be paid by the consumer for collection service;

5. Contact information of authorized collection providers;

6. Identifying processes and methods used to recycle covered equipment and the facility(ies) location(s), including the identification of which recycling standard of subsection (7)(B) each facility will implement. This would include information that enables the department to determine if the recycling facility is following standards identified in the law and regulation;

7. Describing the public information campaign for consumers;

8. Graphically representing any brand(s) sold by the manufacturer; and

9. A copy of an existing or proposed web page that provides the recycling information to the consumer.

(C) Reasonably convenient collection of covered equipment generally reflects the level of effort exerted for the purchase of the covered equipment. The following collection methods, alone or combined, meet the convenience requirements of this section:

1. A system by which the manufacturer or the manufacturer's designee offers the consumer a system for returning covered equipment by mail, without the consumer having to pay any mailing, shipping, handling, or any other cost directly related to mailing;

2. A system by which the manufacturer or the manufacturer's designee offers the consumer direct pick up of the covered equipment;

3. A system using physical collection sites or alternate collection services that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return covered equipment. At a minimum, there shall be one (1) collection site located in each city or town with a population greater than ten thousand (10,000);

4. A system using a minimum of one (1) collection event held by the manufacturer or the manufacturer's designee at which the consumer may return covered equipment. Collection event(s) shall, at a minimum, be located in each city or town with a population of greater than five thousand (5,000) or per county or per solid waste district;

5. A system by which the manufacturer or the manufacturer's designee offers a designated drop-off facility within a thirty (30)-mile radius of retailer and to which the consumer may return covered equipment;

6. A system by which the manufacturer or the manufacturer's designee offers a designated local recycler within a thirty (30)-mile radius of retailer and to which the consumer may return covered equipment; or

7. Other method approved by the department.

(D) Collection services under this section may use existing collection and consolidation infrastructure for handling covered equipment and may include electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. Other suitable operations include, but are not limited to, local governments and solid waste management districts as established in section 260.305, RSMo. Collection services may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in paragraph (3)(C)1. of this rule, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

(E) The manufacturer—

1. Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site, including a list of all of the manufacturer's brands both in use and no longer in use;

2. Shall provide to the department a recovery plan in accordance with this rule and notification of the date by which the manufacturer has, or will have, a compliant collection program. In order to be eligible for the department's list of manufacturers that have approved recovery plans and have notified the department of the date by which they have, or will have, a compliant collection program, a manufacturer must submit its recovery plan and notification no later than July 1, 2010; and

3. May include collection, recycling, and reuse information in the packaging or in other materials that accompany the manufacturer's covered equipment when the covered equipment is sold.

(F) Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with this rule or other law.

(G) On forms provided by the department, each manufacturer that has submitted a recovery plan shall submit an annual recycling report to the department by January 31 of each year after submitting a recovery plan that includes—

1. The weight of covered equipment collected, recycled, and reused during the preceding calendar year;

2. Documentation verifying the collection, recycling, and reuse of that covered equipment in a manner that complies with federal, state, and local laws; and

3. Any changes to their recovery plan.

(H) If more than one (1) person is a manufacturer of a certain brand of covered equipment, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under this rule for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the covered equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of this rule.

(I) The obligations under this rule of a manufacturer who manufactures or manufactured covered equipment, or sells or sold covered equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the covered equipment, extend to all covered equipment bearing that brand regardless of its date of manufacture.

(4) Retailer Responsibilities.

(A) A person who is a retailer of covered equipment shall not sell or offer to sell new covered equipment in this state unless the equipment is labeled with the manufacturer's brand(s) and the manufacturer is included on the department's list of manufacturers that have approved recovery plans and have notified the department that they have a compliant collection program.

(B) Retailers may go to the department's Internet site and view all manufacturers that are listed as having approved recovery plans and having notified the department that they have a compliant collection program. Covered equipment from manufacturers on that list may be sold in or into the state.

(C) A retailer is not required to collect covered equipment for recycling or reuse under this rule unless the retailer is also a manufacturer as defined in this rule. This does not mean that a retailer who is also a manufacturer has to collect covered equipment at a retail outlet.

(D) A retailer may assume the responsibility of the manufacturer if the retailer wants to sell covered equipment of a manufacturer that does not have an approved recovery plan.

(5) Sound Environmental Management.

(A) Covered equipment collected under this rule must be recycled or reused in a manner that complies with federal, state, and local law.

(B) The department adopts, as standards for recycling or reuse of covered equipment under this rule, the standards in "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries (ISRI), Inc., April 25, 2006, and "Responsible Recycling (R2) Practices for Use In Accredited Certification Programs for Electronics Recyclers" issued by the U.S. Environmental Protection Agency. The adopted standards apply to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

AUTHORITY: sections 260.1053, 260.1059, 260.1062, 260.1065, 260.1074, 260.1089, and 260.1101, RSMo Supp. 2008. Emergency rule filed June 19, 2009, effective July 1, 2009, expires Feb. 25, 2010. Original rule filed June 19, 2009.

PUBLIC COST: This proposed rule will cost the Department of Natural Resources sixty-eight thousand six hundred forty-three dollars ($68,643) in the first year of implementation and annually thereafter.

PRIVATE COST: This proposed rule will cost computer manufacturers $7,182,209 annually to recycle covered electronic equipment.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this proposed rule beginning at 10:00 a.m. on October 15, 2009, at the Department of Natural Resources Elm Street Conference Center, Bennett Springs/Roaring River Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101. Any interested person will have the opportunity to testify; advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Missouri Hazardous Waste Management Commission at (573) 751-2747. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m. on October 22, 2009. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO, 65102-0176. Email comments shall be sent to dennis.hansen@dnr.mo.gov. To be accepted, written comments must be postmarked by midnight on October 22, 2009.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Hazardous Waste Management Commission

Chapter: Electronics Scrap Management

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 25-19.010 Electronics Scrap Management

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Number affected	Item	Estimated Annual Cost of Compliance
Missouri Department of Natural Resources	1	Planner II	$68,643
		Total annual public entity administrative cost	$68,643

III. WORKSHEET

1. Personnel costs for merit employees are calculated using the Market Rate step of the fiscal year 2009 merit schedule produced by the Missouri Commission on Management and Productivity (COMAP). Monthly salaries are multiplied by 12 to obtain an annual cost. The total cost includes a salary of $38,543, fringe benefits of $17,044, and equipment and expense costs of $13,056.

IV. ASSUMPTIONS

1. The division of entities into classifications is based on the premise that the costs required by this rule apply equally to all entities within each classification, except that the MISSOURI Department of Natural Resources will incur costs associated with administering the rule as well as costs associated with facility compliance.

2. Estimates assume a constant regulatory context, which requires no reporting standards beyond those currently required or imposed by this rulemaking.
3. Estimates assume there will be no new or sudden changes in technology, which would influence costs.
4. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good faith estimates and averages using the department's professional judgement.
5. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Hazardous Waste Management Commission

Chapter: Electronics Scrap Management

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 25-19.010 Electronics Scrap Management

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected: *	Item	Estimated annual cost of compliance by the affected entities[1]
	Manufacturers of covered equipment		$ 7,182,209.00
		Total annual compliance cost for private entities	**$ 7,182,209.00**

III. WORKSHEET

Methodology for Determining Manufacturer Expenses for E-Scrap Recycling

Background Information

1. The U.S. Environmental Protection Agency (EPA) reports the following information for nationwide generation of covered computer components during 2007:

Desktop Computers: 29.9 Million
Portable (laptop) Computers: 12.0 Million
Cathode Ray Tube (CRT) Monitors: 22.8 Million
Flat Panel Monitors: 9.1 Million
Mice/Keyboards: 106.1 Million

(Source: Electronics Waste Management In The United States: Approach 1, Final July, 2008 EPA530-R-08-009, Table 3.1, Page 20, Estimated Annual Personal Computer Products Ready For EOL Management, By Year.)

2. Based on data trends found in the above referenced document (Table 3.1), projected amounts for each of the covered computer components are estimated for calendar year 2010. (Manufacturer's are required to submit recovery plans to the Department of Natural Resources no later than July 1, 2010.) The estimated nationwide generation of covered computer components for 2010 follows:

Desktop Computers: 34.5 Million
Portable (laptop) Computers: 19.8 Million

CRT Monitors: 19.9 Million
Flat Panel Monitors: 22.1 Million
Mice/Keyboards: 118.2 Million

3. The EPA reports that of all computer components generated, an average of 48 percent is residential. (Source: Electronics Waste Management In The United States: Approach 1, Final July, 2008 EPA530-R-08-009, Page 12.)

4. The estimated population of the United States as of July 1, 2008 was 301,621,157. (Source: U.S. Census Bureau)

5. The estimated population of Missouri as of July 1, 2008 was 5,911,605. (Source: U.S. Census Bureau)

6. The estimated unit cost for recycling select computer components at current rates:
Desktop Computer: $5.94
Portable (laptop) Computer: $9.00
CRT Monitor: $12.46
Flat Panel Monitor: $6.00
Mice/Keyboards: $0.00*

(Source: Dave Beal, EPC, A Missouri E-Scrap Recycler)

*Mr. Beal indicated that cost to recycle Mice/Keyboards was insignificant to the point that they were not given a per unit cost.

Cost Estimate Logic:

1. To determine the number of each covered computer component (MCC) generated in Missouri for 2010, divide Missouri's population (MoP) by the population of the United States (USP). Then multiply the resulting percentage by the number of each covered computer component (CCn) generated nationwide (See Background Information #3 above.)

$$MoP \div USP \times CCn = MCCn$$

MoP = 5,911,605
SSP = 301,621,157
CC1 = Desktop Computers: 34.5 Million
CC2 = Portable (laptop) Computers: 19.8 Million
CC3 = CRT Monitors: 19.9 Million
CC4 = Flat Panel Monitors: 22.1 Million
CC5 = Mice/Keyboards:

$$(MoP)=5,911,605 \div (USP) = 301,621,157 = 0.0196$$

$$0.0196 \times (CC1)\ 34.5 = 676,200\ (MCC1)$$
$$0.0196 \times (CC2)\ 19.8 = 388,100\ (MCC2)$$
$$0.0196 \times (CC3)\ 19.9 = 390,000\ (MCC3)$$
$$0.0196 \times (CC4)\ 22.1 = 433,200\ (MCC4)$$
$$0.0196 \times 118.2\ (CC5) = 2,316,700\ (MCC5)$$

2. To determine the number of each covered component generated by residential sources (MRCCn), multiply each MCCn by 48 percent. (See Background information #2 above.)

$$MCCn \times .48 = MRCCn$$

$$676,200\ (MCC1) \times .48 = 324,576\ (MRCC1)$$
$$388,100\ (MCC2) \times .48 = 186,288\ (MRCC2)$$
$$390,000\ (MCC3) \times .48 = 187,200\ (MRCC3)$$
$$433,200\ (MCC4) \times .48 = 207,936\ (MRCC4)$$
$$2,316,700\ (MCC5) \times .48 = 1,112,016\ (MRCC5)$$

3. To determine the manufacturer's expense (ME) to recycle MRCC; Multiply each MRCCn by the estimated cost (Cn) to recycle each CCn. Then total results.

MRCCn x Cn = ME

C1 = Desktop Computers: $ 5.94
C2 = Portable (laptop) Computers: $ 9.00
C3 = CRT Monitors: $12.46
C4 = Flat Panel Monitors: $ 6.00
C5 = Mice/Keyboards: $ 0.00

(MRCC1)324,576 x (C1)	$ 5.94	= $	1,927,981.00
(MRCC2)186,288 x (C2)	$ 9.00	= $	1,676,592.00
(MRCC3)187,200 x (C3)	$12.46	= $	2,330,020.00
(MRCC4)207,936 x (C4)	$ 6.00	= $	1,247,616.00
(MRCC5)1,112,016 x (C5)	$ 0.00	= $	0.00
		ME = $	7,182,209.00

IV. Assumptions

1. 100% of Desktop computers, Portable computers, CRT monitors, Flat Panel Monitors, Mice, and Keyboards generated will be recycled.

2. Cost estimate is for all manufacturers that sell their products in Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 13—Grants and Loans

PROPOSED AMENDMENT

10 CSR 60-13.020 Drinking Water Revolving Fund Loan Program. The Safe Drinking Water Commission is amending sections (1), (2), (4), and (5) and adding a new section (6).

PURPOSE: This amendment incorporates the requirements for the implementation of Title VII of the American Recovery and Reinvestment Act of 2009, which authorizes the administrator of the Environmental Protection Agency to make capitalization grants to states for financing State Revolving Fund Programs, and provides the flexibility (or opportunity) to offer additional subsidies where allowed under federal law.

(1) Application and Eligibility Requirements. This section applies to applicants for loan assistance from the Drinking Water Revolving Fund established in section 640.107, RSMo**,** as a subfund of the Water and Wastewater Loan Fund. **Recipients of assistance under the American Recovery and Reinvestment Act (ARRA) of 2009 are subject to the requirements of this regulation, unless otherwise specified.**

(A) Definitions.

1. The terms and definitions in 10 CSR 60-2.015 apply to the rules in this chapter.

2. Additional terms specific to the Drinking Water State Revolving Fund (DWSRF) program are defined in this subsection.

A. ARRA—American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

*[A.]***B.** Binding commitment—A legal obligation by the state to a local recipient that defines the terms and the timing for assistance under the Drinking Water Revolving Fund.

*[B.]***C.** Comprehensive project list—The list of all eligible projects for which applications have been received and evaluated.

*[C.]***D.** Drinking water revolving fund (DWRF)—The drinking water revolving fund for loans established as a subfund of the Water and Wastewater Loan Fund by section 640.107, RSMo. The DWRF shall be maintained and accounted for separately**,** and moneys in the DWRF shall be used only for purposes authorized in the federal Safe Drinking Water Act (SDWA).

*[D.]***E.** Drinking water state revolving fund (DWSRF)—The entire program established under section 1452 of the federal Safe Drinking Water Act (SDWA), which includes DWRF loans and other activities allowed under that section of the SDWA.

*[E]***F.** Equivalency projects—Projects that must total the amount equal to the federal capitalization grants*[,]* and must comply with environmental review requirements and federal cross-cutting authorities.

*[F.]***G.** Fundable list—The list of projects to receive funding during the fiscal year covered by the intended use plan (IUP).

H. Initiation of operation—The date when the first construction contract is completed and the constructed component is capable of being used for its intended purpose.

*[G.]***I**. Intended use plan—A document prepared each year that identifies the intended uses of the funds in the DWSRF and describes how those uses support the goals of the DWSRF.

(D) Application Procedures.

1. Application deadline.

A. Applications must be postmarked or received by the *[Public Drinking Water Program]* **Water Protection Program** by the calendar date established in the annual application package as the application deadline. The deadline will be no sooner than sixty (60) days after the application package is made available. The department may extend this deadline if insufficient applications are received to use all of the funds expected to be available.

B. Applications for ARRA funding will be accepted upon announcement by the department and must meet program guidance and federal law or regulations as appropriate and applicable.

C. Applicants that have an outstanding state revolving fund (SRF) loan balance must be in compliance with the terms and conditions of their loan agreements to be eligible for additional funding.

2. Applicants shall provide:

A. A completed application form provided by the department;

B. Documentation that they have a chief operator certified at the appropriate level, or expect to have prior to loan award;

C. Documentation that they have an emergency operating plan, or expect to have prior to loan award;

D. Any additional information requested by the department for priority point award or project evaluation;

E. Any additional information request by the department to determine the applicant's compliance history and technical, managerial**,** and financial capacity as required under the federal SDWA; and

F. Any additional information for determination of financial capability of the applicant. This may include but is not limited to: changes in economic growth, changes in population growth, depreciation, existing debt, revenues, project costs, and effects of the project on user charge rates.

3. Unsuccessful applicants requesting funds during a given fiscal year who have completed the requirements in this section (1) shall be considered for funding the next fiscal year and need not reapply.

4. By submission of its application, the applicant certifies and warrants that he/she has not, nor will through the DWRF loan amortization period, violate any of his/her bond covenants.

(E) Evaluation and Priority Point Award.

1. Projects will be assigned priority points in accordance with the DWRF loan priority point criteria **and, in addition, applications seeking ARRA funding shall also be rated in accordance with the ARRA and corresponding guidance.** The department shall annually seek public review and comment on the DWRF loan priority point criteria. The commission shall approve the DWRF loan priority point criteria at least sixty (60) days prior to the annual application deadline.

2. Projects will be listed in the intended use plan in priority order according to the number of priority points assigned to the project. Projects accumulating the same number of total priority points will be ranked using the tie-breaking criteria in the DWRF loan priority point criteria**. In addition, applications seeking ARRA funding shall also be rated in accordance with the ARRA and corresponding guidance.**

3. The department shall prepare and seek public comment on an annual intended use plan that meets or exceeds federal requirements, including the list of proposed projects. The commission may hold one **(1)** or more public meetings or public hearings on the intended use plan for loans. Any applicant aggrieved by his/her standing may appeal to the commission during the public comment process.

4. No DWRF loan assistance shall be provided to a public water system that does not have the technical, managerial, and financial (TMF) capacity to ensure compliance with the federal SDWA, unless the owner or operator of the system agrees to undertake feasible and appropriate changes to ensure that the system has TMF capacity.

5. No DWRF loan assistance shall be provided to a public water system that is in significant noncompliance with any requirement of a national primary drinking water regulation or variance unless use of the assistance will ensure compliance.

6. The department may hold a separate competition for projects seeking funding whenever appropriate and allowed by federal law.

(2) Requirements for Loan Recipients. This section applies to recipients of loans from the Drinking Water Revolving Fund established

in section 640.107, RSMo**,** as a subfund of the Water and Wastewater Loan Fund. The recipient must satisfy more stringent requirements if required to do so by federal, state**,** or local statutes, policies, rules, ordinances**, guidance,** or orders.

(E) Public Participation. The public must be allowed an opportunity to exchange ideas with the applicant during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action. At a minimum, the recipient must provide the opportunities for public participation listed in this subsection, except that Public Service Commission (PSC)-regulated utilities must proceed through appropriate procedures established by the PSC.

1. A public meeting shall be conducted to discuss the alternative engineering solutions. **Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspapers, as needed to cover the project service area. The recipient shall prepare a transcript, recording, or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.**

2. Prior to approval of the draft user charge ordinance, a public meeting shall be conducted to address the proposed user charge rates. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspapers, as needed to cover the project service area. The recipient shall prepare a transcript, recording**,** or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.

3. Public participation requirements for environmental review are in 10 CSR 60-13.030.

(G) Additional Preclosing Requirements. After the department has entered into a binding commitment with the applicant, the following requirements must be met before loan closing can occur. All documents and information necessary to provide assistance must be submitted to the department in sufficient time to allow adequate time for review and must be approved sixty (60) days prior to the loan closing date established by the department. The department may extend deadlines if justified.

1. Final document submittal. The following documents must be submitted to and approved by the department:

A. Resolution identifying the authorized representative by name. Applicants for assistance under the DWRF shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests and act in behalf of the applicant in all matters related to the project;

B. Any and all changes to the proposed project schedule;

C. Draft engineering contract as described in subsection (2)(L) of this rule;

D. Plans and specifications certified by a registered professional engineer licensed in Missouri;

E. Certification of easements and real property acquisition. Recipients of assistance under the DWRF loan program shall have obtained title or option to the property or easements for the project prior to loan closing;

F. Draft user charge and water use ordinances as described in paragraph (2)(G)3. of this rule; and

G. Other information or documentation deemed necessary by the applicant or the department to ensure the proper expenditure of DWRF funds.

2. Projects serving multiple water systems. Prior to closing, if the project serves two (2) or more public water systems, the applicant shall submit executed agreements or contracts between the public water systems for the financing, construction**,** and operation of the proposed facilities. At a minimum, the agreement or contract shall include:

A. The operation and maintenance responsibilities of each party upon which the costs are allocated;

B. The formula by which the costs are allocated; and

C. The manner in which the costs are allocated.

3. User charge (water rate) ordinance.

A. For non-PSC-regulated utilities:

(I) Loan recipients are required to maintain, for the useful life of the project, user charge ordinances approved by the department. User charge ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed project. A copy of the enacted ordinances shall be submitted prior to initiation of operation;

(II) The user charge system shall be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. A one hundred ten percent (110%) debt service reserve may be required. Each user charge system shall*[—]***:**

(a) Be based upon actual use;

(b) Include an adequate financial management system that will accurately account for revenues generated by the system, debt service and loan fee costs**,** and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy**,** and administration; **and**

(c) Provide for an annual review of charges; and

[(d) Be based on an approved rate guidance, such as the American Waterworks Association guidance; and]

(III) The loan recipient shall *[provide certification that the rates were derived using an acceptable rate method]* **submit to the department, for review and approval, the methodology used for determining user rates**.

B. PSC-regulated utilities shall comply with the requirements of the PSC in developing and implementing their user charge ordinances but shall ensure that sufficient rates and charges are in effect to satisfy bond covenants throughout the term of the loan.

4. Water use ordinance. Applicants dependent on user fees for debt payment or operation and maintenance expenses shall have in place an enforceable water use ordinance prior to loan closure. The water use ordinance shall address water system responsibilities and customer responsibility relating to installation and maintenance of water meters and water lines; easements; alternative sources of water; and provisions for breach of contract and liquidated damages. The water use ordinance is intended to be an effective business tool for the efficient management of the water system.

5. Additional requirements for privately-owned public water systems. Privately-owned public water systems must provide documentation from the Missouri Department of Economic Development showing an allocation under Missouri's private activity bond cap and must obtain any necessary approvals from the Public Service Commission.

(H) Operation and Maintenance.

1. Plan of operation.

A. If required by the department, the recipient of assistance for construction of public water systems must make provision satisfactory to the department for the development of a plan of operation designed to assure operational efficiency be achieved as quickly as possible. A plan of operation must be submitted by fifty percent (50%) construction completion and approved by ninety percent (90%) construction completion.

B. The recipient will ensure that the schedule of tasks as outlined in the approved plan of operation is implemented and completed in accordance with the schedules and prior to final inspection of the project. Plan of operations must be approved by the official project start-up date.

2. Operation and maintenance manual. The recipient must make provision satisfactory to the department for assuring effective operation and maintenance of the constructed project throughout its design life. **If required by the department,** *[R]***r**ecipients of assistance for

construction of mechanical facilities must make provision satisfactory to the department to develop for approval an operation and maintenance manual. *[A draft operation and maintenance manual must be submitted by fifty percent (50%) construction completion. At ninety percent (90%) construction, the final operation and maintenance manual must be approved.]* **The operation and maintenance manual, if required, must be submitted by eighty percent (80%) construction completion.**

3. Start-up training. At fifty percent (50%) construction completion, a start-up training proposal (if required) and proposed follow-up services contract must be submitted. This contract must be approved by ninety percent (90%) construction completion.

4. Certified operator. The recipient must make provision satisfactory to the department for assuring that certified operator(s) and maintenance personnel are hired in accordance with an approved schedule.

5. System certification. One (1) year after initiation of operation of the constructed public water system, the recipient shall certify to the department whether or not the public water system meets the project performance standards. Any statement of noncompliance must be accompanied by a corrective action report containing an analysis of the cause of the project's inability to meet performance standards, actions necessary to bring it into compliance**,** and reasonably scheduled date for positive certification of the project. Timely corrective action shall be executed by the recipient.

(I) Accounting and Audits. Applicants are required to have a dedicated source for repayment of any loans and an adequate financial management system and audit procedure for the project which provides efficient and effective accountability and control of all property, funds**,** and assets related to the project. The applicant's financial system is subject to state or federal audits to assure fiscal integrity of public funds.

1. Each recipient is expected to have an adequate accounting system for the project which provides efficient and effective accountability and control of all property, funds**,** and assets.

A. The recipient is responsible for maintaining a financial management system which will adequately provide for an accurate, current**,** and complete disclosure of the financial results of each *[DWRF]* loan project. *[Accounting for project funds]* **The proprietary fund (business-related fund) accounting** will be in accordance with generally accepted government accounting principles and practices, *[consistently applied,]* regardless of the source of funds.

B. An acceptable accounting system includes books and records showing all financial transactions related to the construction project. The system must document all receipt and disbursement transactions. It also must group them by type of account (for example, asset, revenue, expense, etc.) and by individual expense account (for example, personnel salaries and wages, subcontract costs, etc.) The recipient shall maintain books, records, documents**,** and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt**,** and disposition by the recipient for all assistance received for the project and the total costs of the project of whatever nature incurred for the performance of the project for which the assistance was awarded. Some of the minimum standards for an adequate accounting system are*[—]***:**

(I) The accounting system should be on a double entry basis with a general ledger in which all transactions are recorded in detail or in summary from subordinate accounts;

(II) Recording of transactions pertaining to the construction project should be all inclusive, timely, verifiable**,** and supported by documentation;

(III) The system must disclose the receipt and use of all funds received in support of the project;

(IV) Responsibility for all project funds must be placed with either a project manager or trust agent;

(V) Responsibility for accounting and control must be segregated from project operations. The accounting system and related procedures should be documented for consistent application;

(VI) The **proprietary fund must use the modified accrual or** accrual basis of accounting *[is strongly recommended for construction projects]* as it provides an effective measure of costs and expenditures;

(VII) Inventories of property and equipment should be maintained in subordinate records controlled by the general ledger and should be verified by physical inventory at least biennially;

(VIII) The accounting system must identify all project costs and differentiate between eligible and ineligible costs;

(IX) Accounts should be set up in a way to identify each organizational unit, function**,** or task providing services to the construction project;

(X) An important project management objective of the system is the derivation of information regarding actual versus budgeted costs by project task and performing organization; and

(XI) Financial reports should be prepared monthly to provide project managers with a timely, accurate status of the construction project and costs incurred.

2. **Annual** *[A]***a**udits. *[The recipient must comply with the provisions of OMB Circular A-128 governing the audit of state and local government.]*

A. The recipient shall request an audit of the system for the preceeding fiscal year to be made by a certified public accountant or firm of certified public accountants employed for that purpose.

(I) The annual audit will cover in reasonable detail the operation of the proprietary system during the fiscal year.

(II) Within one hundred eighty (180) days after the end of the recipient's fiscal year, a copy of the annual audit will be submitted to the department.

(III) Annual audits shall be required as long as the recipient is in loan repayment status.

B. As required by federal law, the recipient must comply with the provisions of OMB Circular A-133 governing the audit of state and local governments.

(I) OMB Circular A-133 states if the recipient receives five hundred thousand dollars ($500,000) or more in the aggregate during any fiscal year from disbursements from federal sources, including the SRF program, the recipient will complete an audit of its system records for the fiscal year.

(II) A copy of the recipient's annual audit, including all written comments and recommendations of the accountant, will be furnished to the department within the time period as provided in OMB Circular A-133.

(J) Record Retention Requirements.

1. Construction-related activities. At a minimum, the recipient must retain all financial, technical**,** and administrative records related to the planning, design**,** and construction of the project for a minimum period of seven (7) years following receipt of the final construction payment from DWRF loan program associated assistance or the recipient's acceptance of construction, whichever is later. Records shall be available to state, federal officials, or both, for audit purposes during normal business hours during that period.

2. Post-construction financing activities. At a minimum, the recipient must retain all financial and administrative records related to post-construction project financing for a minimum period of seven (7) years following full repayment of any assistance on the DWRF loan program project.

(K) Minimum Requirements for Architectural or Engineering Contracts.

1. General requirements for subagreements. The subagreement must*[—]***:**

A. Be necessary for and directly related to the accomplishment of the project;

B. Be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement;

C. Be for monetary consideration;

D. Not be in the nature of a grant or gift;

E. State a time frame for performance;

F. State a cost which cannot be exceeded except by amendment; and

G. State provisions for payment.

2. The nature, scope**,** and extent of work to be performed during construction should include, but not be limited to, the following:

A. Preparing a plan of operation if required by the department that meets the requirements of paragraph (2)(H)1. of this rule;

B. Preparing an operation and maintenance manual if required by the department that meets the requirements of paragraph (2)(H)2. of this rule;

C. Assisting the recipient in letting bids;

D. Assisting the recipient in reviewing and analyzing construction bids and making recommendations for award;

E. Inspecting during construction to ensure conformance with the construction contract documents unless waived by the department; and

F. Assisting with facility operation for purposes of certifying that the facility is operating properly one (1) year after start-up.

3. Executed engineering contract submittal. The final approved executed engineering contract must be submitted prior to the first reimbursement request.

(L) Procurement of Engineering Services.

[1. Contracts for architectural, engineering and land surveying services shall be negotiated on the basis of demonstrated competence, qualifications for the type of services required and at fair and reasonable prices. The procedures and procurement requirements in sections 8.285–8.291, RSMo apply unless the applicant elects to use the design/build option described in subsection (2)(O) of this rule.

2. Use of the same architect or engineer during construction. If the recipient is satisfied with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for the project and wishes to retain that firm or individual during construction of the project, he/she may do so without further public notice and evaluation of qualifications, provided the recipient selected the firm using, at a minimum, the procedures in sections 8.285–8.291, RSMo.] **The procurement of engineering services shall be in accordance with sections 8.285 through 8.291, RSMo.**

(M) Specifications. The construction specifications must contain the following:

1. Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product**,** or service to be procured. The description, in competitive procurement, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product**,** or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;

2. The recipient shall avoid the use of detailed product specifications if at all possible;

3. When**,** in the judgment of the recipient**,** it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a brand name *[or equal description]* as a means to define the performance or other salient requirements of *[a procurement]* **an item to be procured**. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand which must be met by offerers **and that other brands may be accepted**;

4. Sole source restriction. A specification shall not require the use of structures, materials, equipment**,** or processes which are known to be available only from a sole source, unless the department determines that the recipient's engineer has adequately justified in writing to the department that the proposed use meets the particular project's minimum needs;

5. Experience clause restriction. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified;

6. Domestic products procurement law. In accordance with sections 34.350–34.359, RSMo, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or subcontract awarded on a loan project to be manufactured, assembled**,** or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%);

7. Bonding. On construction contracts exceeding one hundred thousand dollars ($100,000), the bid documents shall require each bidder to furnish a bid guarantee equivalent to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each of which shall be in an amount not less than one hundred percent (100%) of the contract price;

8. State wage determination. The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, if otherwise required by law;

9. Small, minority, women's**,** and labor surplus area businesses.

A. The recipient shall take affirmative steps and the bid documents shall require the bidders to take affirmative steps to assure that small, minority**,** and women's businesses are used when possible as sources of supplies, construction**,** and services.

B. If the contractor awards subagreements, then the contractor is required to take the affirmative steps in this paragraph (2)(M)9.

C. Affirmative steps shall include the following:

(I) Including qualified small, minority**,** and women's businesses on solicitation lists;

(II) *[Assuring]* **Ensuring** that small, minority**,** and women's businesses are solicited whenever they are potential sources;

(III) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority**,** and women's businesses;

(IV) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority**,** and women's businesses; and

(V) Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the United States Department of Commerce as appropriate;

10. Debarment/suspension. The recipient agrees to deny participation in services, supplies**,** or equipment to be procured for this project to any debarred or suspended firms or affiliates in accordance with Executive Order 12549. The recipient acknowledges that doing business with any party listed on the List of Debarred, Suspended**,** or Voluntarily Excluded Persons may result in disallowance of project costs under the assistance agreement;

11. Right of entry to the project site shall be provided for representatives of the department, Environmental Improvement and Energy Resources Authority (EIERA)**,** and U.S. Environmental Protection Agency so they may have access to the work wherever it is in preparation or progress; *[and]*

12. The specifications must include the following statement: "The owner shall make payment to the contractor in accordance with

section 34.057, RSMo*[.]*"**;**

13. Contractors for ARRA-funded projects must comply with the Davis-Bacon Act (40 U.S.C. 276a–276a-7). The current Davis-Bacon wage rate from the United States Department of Labor must be incorporated in the bid documents; and

14. Buy American provision. For ARRA-funded projects, the specifications must include the following statement or a similar statement in accordance with federal guidance: "All iron, steel, and manufactured goods used in this project must be produced in the United States unless a) a waiver is provided to the owner by the Environmental Protection Agency or b) compliance would be inconsistent with United States obligations under international agreements."

(N) Construction Equipment and Supplies Procurement. This section describes the minimum procurement requirements which the recipient must use under the *[DWRF]* loan program *[unless the applicant elects to use the design/build option described in subsection (2)(O) of this rule]*.

1. Small purchases. A small purchase is the procurement of materials, supplies**,** and services when the aggregate amount involved in any one (1) transaction does not exceed *[twenty-five]* **one hundred** thousand dollars (*[$25,000]* **$100,000**). The small purchase limitation of *[twenty-five]* **one hundred** thousand dollars (*[$25,000]* **$100,000**) applies to the aggregate total of an order, including all estimated handling and freight charges, overhead**,** and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. Department approval and a minimum of three (3) quotes must be obtained prior to purchase.

2. Bidding requirements. This paragraph applies to procurement of construction equipment, supplies**,** and construction services in excess of *[twenty-five]* **one hundred** thousand dollars (*[$25,000]* **$100,000**) awarded by the recipient for any project. No contract shall be awarded until the department has approved the formal advertising and bidding.

A. Formal advertising.

(I) Adequate public notice. The recipient will cause adequate notice to be given of the solicitation by publication in newspapers of general circulation beyond the recipient's locality (preferable statewide), construction trade journals**,** or plan rooms, inviting bids on the project work and stating the method by which bidding documents may be obtained or examined.

(II) Adequate time for preparing bids. A minimum of thirty (30) days shall be allowed between the date when public notice, publication, insertion**,** or document availability in a plan room is first published and the date by which bids must be submitted. **ARRA-funded projects must allow a minimum of twenty-one (21) days between the date when public notice, publication, insertion, or document availability in a plan room is first published and the date by which bids must be submitted.** Bidding documents shall be available to prospective bidders from the date when the notice is first published or provided. **Recipients are encouraged to directly solicit bids from prospective bidders.**

B. Bid document requirements and procedure.

(I) The recipient shall prepare a reasonable number of bidding documents (Invitations for Bids) and shall furnish them upon request on a first-come, first-served basis. The recipient shall maintain a complete set of bidding documents and shall make them available for inspection and copying by any party. The bidding documents shall include, at a minimum:

(a) A completed statement of the work to be performed or equipment to be supplied and the required completion schedule;

(b) The terms and conditions of the contract to be awarded;

(c) A clear explanation of the method of bidding and the method of evaluation of bid prices and the basis and method for award of the contract or rejection of all bids;

(d) Responsibility requirements and criteria which will be employed in evaluating bidders;

(e) The recipient shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening;

(f) If a recipient desires to amend any part of the bidding documents during the period when bids are being prepared, addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered before the bid opening time. All addenda must be approved by the department prior to award of the contract;

(g) A firm which has submitted a bid shall be allowed to modify or withdraw its bid before the time of bid opening;

(h) The recipient shall provide for a public opening of bids at the place, date**,** and time announced in the bidding documents. Bids received after the announced opening time shall be returned unopened;

(i) Award shall be to the lowest, responsive, responsible bidder. After bids are opened, the recipient shall evaluate them in accordance with the methods and criteria set forth in the bidding documents. The recipient shall award contracts only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed contract. A responsible contractor is one that has financial resources, technical qualifications, experience, organization**,** and facilities adequate to carry out the contract or a demonstrated ability to obtain these. The recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, award shall be made to the lowest responsive, responsible bidder. The recipient shall have established protest provisions in the specifications. These provisions shall not include the department as a participant in the protest procedures. If the recipient intends to make the award to a firm which did not submit the lowest bid, the recipient shall prepare a written statement before any award, explaining why each lower bidder was deemed nonresponsible or nonresponsive and shall retain the statements in its files. The recipient shall not reject a bid as nonresponsive for failure to list or otherwise indicate the selection of subcontractor(s) or equipment unless the recipient has clearly stated in the solicitation documents that the failure to list shall render a bid nonresponsive and shall cause rejection of a bid;

(j) The recipient is encouraged though not required to use the model specification clauses developed by the department; and

(k) Departmental concurrence with contract award must be obtained prior to actual contract award. Recipients shall notify the department in writing of each proposed construction contract which has an aggregate value over *[twenty-five]* **one hundred** thousand dollars (*[$25,000]* **$100,000**). The recipient shall notify the department within ten (10) calendar days after the bid opening for each construction subagreement. The notice shall include:

I. Proof of advertising;

II. Tabulation of bids;

III. The bid proposal from the bidder that the recipient wishes to accept, including justification if the recommended successful bidder is not also the lowest bidder;

IV. Recommendation of award;

V. Any addenda not submitted previously and bidder acknowledgment of all addenda;

VI. Copy of the bid bond;

VII. One (1) set of as-bid specifications;

VIII. Suspension/Debarment Certification;

IX. Revised financial capability worksheet and certification if bids exceed prebid estimates by more than fifteen percent (15%);

X. MBE/WBE Worksheet;

XI. Recipient's statement that proposed contractor(s) positive efforts, MBE/WBE utilization, or both, have been reviewed and meet regulatory requirements;

XII. Site certification, if not previously submitted; and

XIII. For equivalency projects, Certification of

Nonsegregated Facilities.

[(O) Design/Build Projects. Applicants may elect to use the design/build method of procuring design and construction services in lieu of the procurement methods described in subsection (2)(L) of this rule.

1. Additional application requirements. In addition to the application requirements listed in subsections (2)(L) and (2)(M) of this rule, the applicant must provide the department with—

A. A legal opinion of the applicant's counsel stating that the design/build procurement method is not in violation of any state or local statutes, charters, ordinances or rules pertaining to the applicant; and

B. A bid package that is sufficiently detailed to ensure that the bids received for the design/build work are complete, accurate, comparable and will result in the most cost-effective operable facility which meets the design requirements of the department. References such as the current "Design Guide for Community Water Systems," "Ten State Standards," and "Standards for Non-Community Public Water Supplies" should be considered for design standards. The prebid package shall contain, at a minimum, the clauses in paragraphs (2)(M)6.–8. of this rule.

2. Bidding procedures. Bidding shall be conducted in accordance with the procedures described in paragraph (2)(N)2. of this rule.

3. Contract type. Design/build contracts shall be lump sum contracts for the cost associated with design and construction. No increases to contract price for design and construction services shall be permitted. Recipients are encouraged to incorporate facility operations into the contract. When included in the contract, the cost of operations for an established time period may be included in the criteria for evaluating bids and selecting the lowest, responsible, responsive bidder.

4. Review and oversight. The recipient shall procure engineering services to oversee the design work performed by the design/build contractor and to provide resident inspection of construction. The department may require the recipient to submit plans, specifications and documentation during design and construction as necessary to ensure that the facility meets state standards for design and construction.

5. Department approvals and permits. Prior to construction start, the recipient must obtain approval of the construction plans and specifications and obtain a construction permit from the department.]

*[(P)]***(O)** Conflict of Interest.

1. No employee, officer**,** or agent of the recipient shall participate in the selection, award**,** or administration of a subagreement supported by state or federal funds if a conflict of interest, real or apparent, would be involved. This conflict would arise when—

A. Any employee, officer**,** or agent of the recipient, any member of their immediate families**,** or their partners have a financial or other interest in the firm selected for a contract; or

B. An organization which may receive or has been awarded a subagreement employs, or is about to employ, any person listed in subparagraph *[(2)(P)1.A.]* **(2)(O)1.A.** of this rule.

2. The recipient's officers, employees**,** or agents shall neither solicit nor accept gratuities, favors**,** or anything of substantial monetary value from contractors, potential contractors**,** or other parties to subagreements.

*[(Q)]***(P)** Changes in Contract Price or Time. The contract price or time may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the methods set forth in the following:

1. Unit prices.

A. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities exceed fifteen percent (15%) of the original bid quantity and the total dollar change of that bid item is greater than twenty-five thousand dollars ($25,000), the recipient shall review the unit price to determine if a new unit price should be negotiated.

B. Unit prices of new items shall be negotiated;

2. A lump sum to be negotiated; and

3. Cost reimbursement. The actual cost for labor, direct overhead, materials, supplies, equipment**,** and other services necessary to complete the work plus an amount to cover the cost of general overhead and profit.

*[(R)]***(Q)** Progress Payments to Contractors.

1. Recipients should make prompt progress payments to prime contractors and prime contractors should make prompt progress payments to subcontractors and suppliers for eligible construction, supplies**,** and equipment costs.

A. For purposes of this section, progress payments are defined as follows:

(I) Payments for work in place; and

(II) Payments for materials or equipment which have been delivered to the construction site or which are stockpiled in the vicinity of the construction site in accordance with the terms of the contract, when conditional or final acceptance is made by or for the recipient. The recipient shall assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures.

2. Appropriate provisions regarding progress payments must be included in each contract and subcontract.

3. Retention from progress payments. The recipient may retain a portion of the amount otherwise due the contractor. The amount the recipient retains shall be in accordance with section 34.057, RSMo.

*[(S)]***(R)** Classification of Costs. The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under programs supported by the *[DWRF]* loan program.

1. All project costs will be eligible if they meet the following tests:

A. Reasonable and cost effective;

B. Necessary for the approved project including required mitigation; and

C. Meet the eligibility requirements of the federal Safe Drinking Water Act.

2. Eligible costs include, at a minimum:

A. Engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. These services and their related expenses can be reimbursed based on actual invoices to be submitted after loan closing or by means of an allowance. For invoice reimbursement, the department must have a copy of the executed engineering contract for planning and design of the project*[. Allowance reimbursement for these services will be based on a percentage of the total eligible construction contract amounts at bid opening plus land, equipment, materials and supplies identified or referenced in the approved engineering report, Finding of No Significant Impact, or Categorical Exclusion as determined from Table 1 or 2 (as applicable). For phased or segmented projects, incremental allowance calculations and corresponding reimbursements may be made]*;

B. The reasonable cost of engineering services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. A registered professional engineer licensed in Missouri or a person under the direction and continuing supervision of a registered professional engineer licensed in Missouri must provide inspection of construction for the purpose of *[assuring]* **ensuring** and certifying compliance with the approved plans and specifications. Eligible construction phase and initial operation phase service are limited to*[—]***:**

(I) Office engineering;
(II) Construction surveillance;
(III) Stakeout surveying;
(IV) As-built drawings;
(V) Special soils/materials testing;
(VI) Operation and maintenance manual;
(VII) Follow-up services and the cost of start-up training for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;
(VIII) User charge ordinance; and
(IX) Plan of operation;

C. Abandoning costs. The reasonable and necessary cost of abandoning drinking water facilities no longer in use. Generally, these costs will be limited to the demolition and disposal of the structures, and abandoning unused wells in accordance with 10 CSR 23-3.110, and final grading and seeding of the site;

D. Change orders and the costs of meritorious contractor claims for increased costs under subagreements as follows:
(I) Within the allowable scope of the project;
(II) Costs of equitable adjustments due to differing site conditions; and
(III) Settlements, arbitration awards**,** and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;

E. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the treatment works;

F. The costs of site screening necessary to comply with environmental studies and facilities plans or necessary to screen adjacent properties;

G. Equipment, materials**,** and supplies.
(I) The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.
(II) Cost of shop equipment installed at the public water system necessary to the operation of the works.
(III) The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local**,** or industry safety requirements.
(IV) The costs of mobile equipment necessary for the operation of the overall public water system, or for the maintenance of equipment. These items include: portable standby generators; large portable emergency pumps; trailers and other vehicles having as their purpose the transportation or application, or both, of liquid or dewatered water treatment plant residuals; and replacement parts identified and approved in advance;

H. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;

I. Land or easements when the acquisition of real property or interests therein is integral to a project authorized by section 1452(a)(2) of the federal Safe Drinking Water Act and the purchase is from a willing seller. Land must be purchased in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended, and certification by the recipient of compliance with the Uniform Relocation and Real Property Acquisition Policies Act is required;

J. Force account work for construction oversight and engineering planning and design. If force account is used for planning and design, all engineering services during construction must be provided through force account;

K. The cost of preparing an environmental impact statement if required under 10 CSR 60-13.030;

L. Costs of issuance, capitalized interest, EIERA application fees, and contracted project administration costs; and

M. Debt service reserve deposits.

3. Noneligible costs include, but are not limited to:

A. The cost of ordinary site and building maintenance equipment such as lawnmowers and snowblowers;

B. The cost of general purpose vehicles for the transportation of the recipient's employees;

C. Costs allowable in subparagraph *[(2)(S)2.I.]* **(2)(R)2.I.** of this rule that are in excess of just compensation based on the appraised value;

D. Ordinary operating expenses of the recipient including salaries and expenses of elected and appointed officials and preparation of routine financial reports and studies, and any permit fees necessary for the normal operation of the constructed facility;

E. Preparation of applications and permits required by federal, state**,** or local regulations or procedures;

F. Administrative, engineering**,** and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts**,** or other units of government;

G. Personal injury compensation or damages arising out of the project;

H. Fines and penalties due to violations of, or failure to comply with, federal, state**,** or local laws, regulations**,** or procedures;

I. Costs outside the scope of the approved project;

J. Costs for which grant or loan payment have been or will be received from another state or federal agency;

K. Force account work except that listed in subparagraph *[(2)(S)2.J.]* **(2)(R)2.J.** of this rule; and

L. Costs associated with acquisition of easements and land except that listed in subparagraph *[(2)(S)2.I.]* **(2)(R)2.I.**

[Table 1—Maximum Eligible Amount for Facilities Planning and Design

Construction Cost	*Allowance as a Percentage of Construction Cost**
$ 100,000 or less	*14.49*
120,000	*14.11*
150,000	*13.66*
175,000	*13.36*
200,000	*13.10*
250,000	*12.68*
300,000	*12.35*
350,000	*12.08*
400,000	*11.84*
500,000	*11.46*
600,000	*11.16*
700,000	*10.92*
800,000	*10.71*
900,000	*10.52*
1,000,000	*10.36*
1,200,000	*10.09*
1,500,000	*9.77*
1,750,000	*9.55*
2,000,000	*9.37*
2,500,000	*9.07*
3,000,000	*8.83*
3,500,000	*8.63*
4,000,000	*8.47*
5,000,000	*8.20*
6,000,000	*7.98*
7,000,000	*7.81*
8,000,000	*7.66*
9,000,000	*7.52*
10,000,000	*7.41*
12,000,000	*7.22*
15,000,000	*6.99*
17,500,000	*6.83*
20,000,000	*6.70*
25,000,000	*6.48*
30,000,000	*6.31*
35,000,000	*6.17*
40,000,000	*6.06*
50,000,000	*5.86*
60,000,000	*5.71*
70,000,000	*5.58*
80,000,000	*5.47*
90,000,000	*5.38*
100,000,000	*5.30*
120,000,000	*5.16*
150,000,000	*4.99*
175,000,000	*4.88*
200,000,000	*4.79*

Table 2—Maximum Eligible Amount—Design Only

Construction Cost	*Allowance as a Percentage of Construction Cost**
$ 100,000 or less	*8.57*
120,000	*8.38*
150,000	*8.16*
175,000	*8.01*
200,000	*7.88*
250,000	*7.67*
300,000	*7.50*
350,000	*7.36*
400,000	*7.24*
500,000	*7.05*
600,000	*6.89*
700,000	*6.77*
800,000	*6.66*
900,000	*6.56*
1,000,000	*6.43*
1,200,000	*6.34*
1,500,000	*6.17*
1,750,000	*6.05*
2,000,000	*5.96*
2,500,000	*5.80*
3,000,000	*5.67*
3,500,000	*5.57*
4,000,000	*5.48*
5,000,000	*5.33*
6,000,000	*5.21*
7,000,000	*5.12*
8,000,000	*5.04*
9,000,000	*4.96*
10,000,000	*4.90*
12,000,000	*4.79*
15,000,000	*4.67*
17,500,000	*4.58*
20,000,000	*4.51*
25,000,000	*4.39*
30,000,000	*4.29*
35,000,000	*4.21*
40,000,000	*4.14*
50,000,000	*4.03*
60,000,000	*3.94*
70,000,000	*3.87*
80,000,000	*3.81*
90,000,000	*3.75*
100,000,000	*3.71*
120,000,000	*3.63*
150,000,000	*3.53*
175,000,000	*3.46*
200,000,000	*3.41*

**Interpolate between values.*

Note: These tables shall not be used to determine the compensation for facilities planning or design services. The compensation for facilities planning for design services should be based upon the nature, scope and complexity of the services required by the community.]

(4) Leveraged Loans.

(C) Target Interest Rate. The target interest rate (TIR) *[for all assistance provided under this rule shall not be less than thirty percent (30%) of the net interest cost of the EIERA bonds or notes issued for this purpose. The TIR]* shall be established by the department in consultation with the EIERA based upon current economic factors, projected fund utilization, deposits in the subfund**,** and actual or anticipated federal capitalization grants. The department *[shall not undertake project-by-project revisions]* **will use the Twenty-Five Bond Revenue Index as published in *The Bond Buyer* (or any successor publication) as the basis for determining the TIR. The department reserves the right to refinance, assign, pledge, or leverage any loans originated under this subsection.**

1. The TIR for all assistance provided under the leveraged loan program shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in *The Bond Buyer* (or any successor publication) the week preceding funding, rounded up to the nearest one one hundredth (0.01) of one percent (1%). The Safe Drinking Water Commission (SDWC) shall not undertake project-by-project revisions.

2. The TIR for all assistance provided under section (5), DWRF Direct Loans, shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in *The Bond Buyer* (or any successor publication) the week preceding funding, rounded up to the nearest one one hundredth (0.01) of one percent (1%). The commission may reduce the interest rate to meet the needs of the applicant. In order to reduce the interest rate, the commission must determine that unique or unusual circumstances exist. In addition, the commission may reduce the interest rate for projects impacting enterprise zones as authorized under state law.

3. A disadvantaged community may receive a further reduction in the TIR as determined by the SDWC. A disadvantaged community is defined, for the purpose of reducing the TIR, as an applicant that:

A. Has a population of three thousand three hundred (3,300) or less based on the most recent decennial census;

B. Has a median household income at or below seventy-five percent (75%) of the state average median household income as determined by the most recent decennial census; and

C. Has an average water user charge for five thousand (5,000) gallons that is at least two percent (2%) of the median household income of the applicant.

4. For projects funded by the ARRA, the Safe Drinking Water Act as amended, or any subsequent federal act, additional subsidization (such as principal forgiveness, negative interest loans, grants, or the like) may be provided as federal law requires or allows.

(F) Construction Loan Fund. Net proceeds from the sale of any project bonds or notes issued by the EIERA for eligible project costs shall be used to fund construction of the project. These proceeds shall be deposited with a construction loan trustee and disbursed as construction progresses pursuant to subsection *[(4)(H)]* **(4)(I)** of this rule.

(G) Alternative Leveraged Loan Structure. If financial market conditions dictate, an alternative leveraging structure may be implemented. Alternative leveraging structures will be developed by the department in consultation with the commission and the EIERA. The alternative structure, so developed, will be included in the annual intended use plan.

*[(G)]***(H)** Loan Agreements. In addition to the other requirements of this rule, the department and the EIERA may require the recipient to include assurances and certifications in the loan agreements and bond resolutions deemed necessary to protect the interest of the state and the EIERA and to comply with federal requirements.

*[(H)]***(I)** Disbursement from Loan Proceeds. The recipient shall request payments from the construction loan fund, which shall include the information listed in this subsection *[(4)(H)]* **(4)(I)** and other information deemed necessary and approved by the EIERA to ensure proper project management and expenditure of public funds.

1. Completed reimbursement request form.

2. Construction pay estimates signed by the construction contractor, the recipient**,** and the resident inspector**,** if applicable.

3. Invoices for other eligible services, equipment**,** and supplies for the project.

4. Any other documentation required under the provisions of the trust indenture.

*[(I)]***(J)** Amortization Schedules. The EIERA shall establish amortization schedules for long-term loans awarded under this rule. Repayment of principal shall begin not later than one (1) year after initiation of operation. The loans shall be fully repaid in no more than twenty (20) years after initiation of operation.

*[(J)]***(K)** Loan Repayment.

1. Repayment of principal and penalties to the DWRF loan program will be made by the release of money from the debt service reserve fund. If funds for these payments are not available in the debt service reserve, then the payment shall be made from other funds of the recipient.

2. Repayment of principal and interest on the EIERA bonds or notes will be paid from revenues of the user charge system or from another dedicated source of revenue as may be designated in the applicable bond resolutions or loan agreements.

(5) DWRF Direct Loans.

(A) General.

1. This section describes the process and requirements for direct loans awarded under this rule. All other requirements also apply, including administrative fees in subsection (2)(B) of this rule, except for subsection (2)(A) and section (4) of this rule which pertain to leveraged loans.

2. This rule sets out the general format for the direct loan program. The commission and the department shall have the authority to make specific refinements, variations**,** or additional requirements as may be necessary or desirable in connection with the efficient operation of the direct loan program.

3. The department may make direct loans by purchasing the general obligation bonds, revenue bonds, short-term notes**,** or other acceptable obligation of any qualified applicant for the planning, design**,** and/or construction of an eligible project. These loans shall not exceed the total eligible project costs described in subsection *[(2)(S)]* **(2)(R)** of this rule less any amounts finalized by any means other than through the direct loan program. The department is not required to offer direct loans to drinking water revolving fund loan program applicants.

[(B) Interest Rate.

1. The target interest rate (TIR) for all direct loan assistance provided under this rule will be not less than zero percent (0%) nor more than market rate as determined by the Twenty-Five Revenue Bond Index published by the Bond Buyers Index of Twenty Bonds rounded to the nearest one-tenth (0.1) of one percent (1%). The department will use the Twenty-Five Revenue Bond Index most recently published prior to the date on which the project assistance is provided for all loans except those secured by general obligation bonds. For these transactions, the rate published immediately preceding filing with the state auditor's office will be used.

2. Interest on the unpaid balance will begin accruing on the last day of the month in which a construction advance is made and will be compounded at the end of each month after that until such time as the construction loan along with all interest accrued is paid in full.]

*[(C)]***(B)** Letter of Intent. The department will issue a letter of intent to make a direct loan when the application documents are approved and the commission approves the project for receipt of loan

funds. The letter of intent shall state the amount of funds reserved for the project, the requirements to qualify for receipt of loan funds**,** and the schedule for the applicant to meet all requirements. The department may terminate this letter of intent for failure to meet the schedule requirements or conditions of the letter of intent. The amount of assistance stated in the letter of intent may be adjusted to reflect actual costs and the availability of funds.

*[(D)]***(C)** Construction Loans. The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans may contain clauses and provisions determined by the department to be necessary to protect the interests of the state.

1. With exception of substate revolving funds, the construction loan will remain in force throughout the construction period. However, it must be paid in full no later than the closing deadline provided in the construction loan agreement.

2. If the department is to provide long-term financing under this rule, then the construction loan must contain an agreement by the department and the recipient that the department will purchase the recipient's general obligation **bonds**, revenue bonds**,** or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.

3. Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly. The maximum construction advance shall be the sum of all eligible costs incurred to date. Each payment request shall include the following information:

A. Completed reimbursement request form;

B. Construction pay estimates signed by the construction contractor, the recipient**,** and the resident inspector, if applicable;

C. Invoices for other eligible services, equipment**,** and supplies for the project; and

D. Any other information deemed necessary by the department to *[insure]* **ensure** proper project management and expenditure of public funds.

4. If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that a state payment check be issued to the recipient.

*[(E)]***(D)** The department may require the recipient to contract with a trustee or paying agent to provide all or part of the following services:

1. Make joint assistance payments to the recipients and their contractors;

2. Ensure that payments are only released to those recipient's whose contractors have a project contract approved by the department;

3. Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department; and

4. Maintain financial records of credits and debits for the construction project.

*[(F)]***(E)** Purchase of Obligations. The department shall purchase revenue bonds, general obligation bonds**,** or other acceptable debt obligations from the recipient no later than the closing deadline contained in the construction loan agreement. In addition to the requirements of this rule, the department may require the recipient to include those assurances and clauses in the loan agreements and bond resolutions as deemed necessary to protect the interest of the state.

*[(G)]***(F)** Amortization Schedules. The department shall use the following guidelines to establish amortization schedules for obligations purchased under this rule:

1. The bonds, notes**,** or other debt obligations shall be fully amortized in no more than twenty (20) years after initiation of operation;

2. The payment frequency on any debt obligations shall be no less than annual with the first payment no later than one (1) year after the initiation of operation;

3. The amortization schedule may either be straight line or declining schedules for the term of the debt obligation; and

4. Repayment of principal shall begin not later than one (1) year after initiation of operation.

*[(H)]***(G)** If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.

(6) Additional Subsidization. Recipients of financial assistance provided from the ARRA shall meet the applicable federal law, regulation, and guidance applicable to those funds. Additional subsidization may be in the form of forgiveness of principal, negative interest loans, or grants, or any combination of these. The TIR for ARRA-funded projects will initially be calculated as directed in subsection (4)(C) above.

*AUTHORITY: section[s] 640.100, **RSMo Supp. 2008** and **section** 640.107, RSMo [Supp.] 2000. Emergency rule filed July 15, 1998, effective July 25, 1998, expired Feb. 25, 1999. Original rule filed Aug. 17, 1998, effective April 30, 1999. Amended: Filed Jan. 19, 2001, effective Sept. 30, 2001. Emergency amendment filed May 20, 2009, effective May 30, 2009, expires Feb. 25, 2010. Amended: Filed June 24, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Water Protection Program, Douglas A. Garrett, PO Box 176, Jefferson City, MO 65102. Comments may be sent through email to doug.garrett@dnr.mo.gov. Public comments must be received by September 2, 2009. A public hearing is scheduled at a meeting of the Safe Drinking Water Commission to be held at 10:00 a.m., September 2, 2009 at the Missouri Department of Natural Resources' East Elm Street location, 1738 East Elm, Jefferson City, MO 65101.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.010 Definitions. The Board of Boiler and Pressure Vessel Rules is amending sections (11), (34), (44), and (45); adding new sections (14), (26), (27), and (37); and renumbering sections (14)–(46).

PURPOSE: This amendment provides new definitions for emergency installation, labeled, listed, and pool heater, and modifies definitions for CSD-1, fired jacketed steam kettles, and waste heat boiler to help clarify rules and be consistent with the Codes and Standards adopted by the board. All other changes are editorial in nature.

(11) CSD-1—*[Code]* **Standard** for Control and Safety Devices for Automatically Fired Boilers published by the American Society for Mechanical Engineers (ASME).

(14) Emergency installation—The unplanned replacement of a boiler, water heater, pool heater, or pressure vessel due to failure.

*[(14)]***(15)** Existing installation—Includes any boiler, water heater**,** or pressure vessel constructed, installed, placed in operation, or under contract*[,]* on or before November 12, 1986.

*[(15)]***(16)** Fittings and appliances—Include but not limited to pressure relief devices, low water protection, pressure controls, temperature controls, thermometers, gages, expansion tanks, pipe, pipe fittings, pipe valves, etc., within the scope of the Act and these rules.

*[(16)]***(17)** Hobby boiler—A boiler operated as a personal hobby and not used for commercial gain.

*[(17)]***(18)** Hot water heating boiler—A boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding one hundred sixty (160) pounds per square inch (psi) and/or a temperature of two hundred fifty degrees Fahrenheit (250 °F) at or near the boiler outlet.

*[(18)]***(19)** Hot water supply boiler—A boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding one hundred sixty (160) psi or at temperatures not exceeding two hundred fifty degrees Fahrenheit (250 °F) at or near the boiler outlet.

*[(19)]***(20)** Inspection *[C]*certificate—A certificate issued by the chief inspector for the operation of a boiler, water heater, or pressure vessel as required by the Act and these rules.

*[(20)]***(21)** Inspector—The chief inspector, deputy inspector, special inspector**,** or owner-user inspector authorized to perform certificate inspections in Missouri.

*[(21)]***(22)** Installation site—The physical location where one (1) or more boilers, water heaters, pressure vessels**,** or a combination thereof are located. Examples of installation sites include but are not limited to a single boiler room in a building, a single process building, a single laboratory building**,** or a central utility building.

*[(22)]***(23)** Installer—The organization responsible for the installation of a boiler, water heater**,** or pressure vessel**,** including any associated control systems and protective equipment.

*[(23)]***(24)** *International Mechanical Code*—International Code Council, Inc.

*[(24)]***(25) Fired** *[J]***j**acketed steam kettle—A gas fired or electrically heated kettle with jacket(s), operating at pressure not exceeding fifty (50) psi.

(26) Labeled—Equipment or materials to which the label of a nationally recognized testing agency, such as Underwriters Laboratory (UL) or Factory Mutual (FM), has been applied. Application of the label indicates compliance with the agency's standards.

(27) Listed—Equipment or materials which are included on a list published by a nationally recognized testing agency, such as Underwriters Laboratory (UL) or Factory Mutual (FM). Listing indicates compliance with nationally recognized standards.

*[(25)]***(28)** MAWP—Maximum allowable working pressure.

*[(26)]***(29)** National Board (NB)—The National Board of Boiler and Pressure Vessel Inspectors.

*[(27)]***(30)** National Board Commission—The commission issued to an inspector by the National Board of Boiler and Pressure Vessel Inspectors.

*[(28)]***(31)** National Board Inspection Code (NBIC)—The edition and addenda of ANSI/NB-23 currently adopted by the board.

*[(29)]***(32)** New installation—Includes all boilers, water heaters**,** or pressure vessels constructed, installed, placed in operation, or under contract*[,]* on or after November 12, 1986.

*[(30)]***(33)** Nonstandard boiler, water heater**,** or pressure vessel—A boiler, water heater**,** or pressure vessel that does not bear the ASME stamp.

*[(31)]***(34)** Object—A boiler, water heater, or pressure vessel.

*[(32)]***(35)** Owner or user—Any person, firm**,** or corporation legally responsible for the safe installation, operation**,** and maintenance of any boiler, water heater**,** or pressure vessel within the state of Missouri.

*[(33)]***(36)** Plans—Drawings, specifications, schematics, etc., acceptable to the chief inspector and suitable for determining if the installation meets the requirements of the statute and these rules.

(37) Pool heater—An appliance designed for heating non-potable water stored at atmospheric pressure, such as water in swimming pools, spas, hot tubs, and similar applications.

*[(34)]***(38)** Power boiler—A boiler in which steam or other vapor is generated at a pressure of more than fifteen (15) psi **for use external to itself** or a water (or other liquid) boiler intended for operation at pressures in excess of one hundred sixty (160) psi and/or temperatures in excess of two hundred fifty degrees Fahrenheit (250 °F).

*[(35)]***(39)** Pressure vessel—A vessel in which the pressure is obtained from an external source or by the application of heat from an indirect source, other than those vessels defined as boilers.

*[(36)]***(40)** Reinstalled boiler, water heater**,** or pressure vessel—A boiler, water heater**,** or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

*[(37)]***(41)** Repair—The process of restoring a component or system to a safe and satisfactory condition such that the existing design conditions are met.

*[(38)]***(42)** Replacement—The removal of an existing boiler, water heater**,** or pressure vessel and installation of a new second-hand or re-installed boiler, water heater**,** or pressure vessel.

*[(39)]***(43)** Second-hand boiler, water heater**,** or pressure vessel—A boiler, water heater**,** or pressure vessel which has changed both location and ownership.

*[(40)]***(44)** Special inspector—Any inspector commissioned by the chief inspector who is employed by an insurance company authorized to provide boiler and pressure vessel insurance in this state or an inspector who is employed by a company that maintains an inspection department whose organization and inspection procedures meet the requirements of the National Board for an Owner-User Inspection Agency and are acceptable to the chief inspector.

*[(41)]***(45)** Standard boiler, water heater, or pressure vessel—A boiler, water heater**,** or pressure vessel that bears the ASME stamp.

*[(42)]***(46)** State special—A boiler, water heater, or pressure vessel of special construction, or which is designed or constructed to other than the ASME Code and is not inconsistent with the spirit and safety objectives of the ASME Code.

*[(43)]***(47)** Steam heating boiler—A steam or vapor boiler operating at pressures not exceeding fifteen (15) psi.

*[(44)]***(48)** Waste heat boiler—*[An unfired pressure vessel intended for operation in excess of fifteen (15) psi steam for the purpose of producing and controlling an output of thermal energy.]* **A boiler that has, as its principal source of thermal energy, a hot gas stream from the exhaust of a gas turbine or internal combustion engine.**

*[(45)]***(49)** Water heater—A fired**,** pressurized vessel in which water is heated by electricity, or by the combustion of solid, liquid, or gaseous fuels and withdrawn for use external to the heater at pressures not exceeding one hundred sixty (160) psi and temperatures not exceeding two hundred ten degrees Fahrenheit (210 °F). Water heaters include service water heaters, domestic water heaters, potable water heaters, *[pool heaters]* and car wash hot water supply boilers. The term "water heater" does not include vessels used solely for closed loop hot water heating service.

*[(46)]***(50)** Variance—An exception to the Act or these rules authorized by the board for the installation, inspection, repair, or alteration of a boiler, water heater, or pressure vessel.

AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed June 30, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.015 Code/Standards Adopted by Board. The Board of Boiler and Pressure Vessel Rules is amending sections (1) through (6), deleting section (8), and adding new sections (8) through (11).

PURPOSE: This amendment changes the code book years currently adopted by the board and adds new codes and standards adopted by the board.

(1) ASME *Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers*, ASME *Boiler and Pressure Vessel Code* is published by the American Society of Mechanical Engineers. A copy of this code can be obtained from The American Society of Mechanical Engineers, Three Park Ave, New York, NY 10015-5990 or Internet: www.asme.org, Phone: 1 (800) 843-2763. This regulation does not include any later amendments or additions to the ASME Boiler and Pressure Vessel Code:

(A) *[2004]* **2007** ASME Boiler and Pressure Vessel Code;

(B) *[2005]* **2008** Addendum;

(2) National Board Inspection Code **(ANSI/nb23)**, The National Board Inspection Code is published by The National Board. A copy of this code may be obtained from The National Board, 1055 Crupper Ave, Columbus, OH 43229-1183 or Internet: www.nationalboard.org, Phone: (614) 888-8320. This regulation does not include any later amendments or additions to the National Board Inspection Code. NB-23—Manual for Boiler and Pressure Vessel Inspectors:

(A) *[2004]* **2007** Edition; **Parts 1, 2, and 3, with Part 2 being permissive;** and

(B) *[2004]* **2008** Addendum.

(3) ASME Code for Power Piping, B31.1 of the American Society of Mechanical Engineers*[, 2004 Edition]*. ASME Boiler and Pressure Vessel Code is published by the American Society of Mechanical Engineers. A copy of this code can be obtained from The American Society of Mechanical Engineers, Three Park Ave, New York, NY*[,]* 10015-5990 or Internet: www.asme.org, Phone: 1 (800) 843-2763. This regulation does not include any later amendments or additions to the ASME *Boiler and Pressure Vessel Code*.

(A) 2007 Edition.

(B) 2008 Addendum.

(C) Adopted for Boiler Proper and Boiler External Piping only; requirements for Non-Boiler External Piping and Joint (NBEP) as defined in B31.1 2007 Edition are permissive.

(4) Code for Controls and Safety Devices for Automatically Fired Boilers CSD-1-*[1998]***2009** Edition of the American Society of Mechanical Engineers. The Code for Controls and Safety Devices for Automatically Fired Boilers CSD-1-*[1998]***2006** edition is published by the American Society of Mechanical Engineers. A copy of this code may be obtained from *[Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112 or Internet: http://www.ihs.com/, Phone: 1 (800) 854-7179]* **The American Society of Mechanical Engineers, Three Park Ave, New York, NY 10015-5990 or Internet: www.asme.org, Phone: 1 (800) 843-2763**. This regulation does not include any later amendments or additions to the Code for Controls and Safety Devices for Automatically Fired Boilers CSD-1-*[1998]***2006**.

(A) With part CM being permissive.

(5) NFPA 85, Boiler and Combustion Systems Hazards Code, *[2001]* **2007** Edition. The Boiler and Combustion Systems Hazards Code NFPA 85 *[2001]* **2007** Edition is published by the National Fire Protection Agency. A copy of this code may be obtained from National Fire Protection Agency, 1 Battery Park, Quincy, MA 02169-7471, Internet: www.nfpa.org, Phone: 1 (617) 770-3000. This regulation does not include any later amendments or additions to the Boiler and Combustion Systems Hazards Code NFPA 85 *[2001]* **2007** Edition.

(6) NFPA 54, National Fuel Gas Code **(ANSI Z221.1-2006)**, *[2002]* **2009** Edition. The National Fuel Gas Code NFPA 54 *[2002]* **2009** Edition is published by the National Fire Protection Agency. A copy of this code may be obtained from National Fire Protection Agency, 1 Battery Park, Quincy, MA 02169-7471, Internet: www.nfpa.org, Phone: 1 (617) 770-3000. This regulation does not include any later amendments or additions to the National Fuel Gas Code NFPA 54 *[2002]* **2009** Edition.

[(8) International Mechanical Code, 2000. The International Mechanical Code is published by the International Codes Council. A copy of this code may be obtained from Global

Engineering Documents, 15 Inverness Way East, Englewood CO 80112 or Internet: http://www.ihs.com/, Phone: 1 (800) 854-7179. This regulation does not include any later amendments or additions to the International Mechanical Code 2000 edition.]

(8) American National Standard/CSA Standard For Gas-Fired Pool Heaters (ANSI Z21.56-2006/CSA 4.7-2006). A copy of this standard may be obtained from CSA America, 8501 East Pleasant Valley Road, Cleveland, OH 44131-5575, Internet: www.csa-america.org, Phone: (216) 524-4990. This regulation does not include any later amendments or additions to the Standard for Gas-Fired Pool Heaters, 2006 edition.

(9) American National Standard/CSA Standard for Gas Water Heaters (ANSI Z21.10.3-2004/CSA 4.3 2004). A copy of this standard may be obtained from CSA America, 8501 East Pleasant Valley Road, Cleveland, OH 44131-5575, Internet: www.csa-america.org, Phone: (216) 524-4990. This regulation does not include any later amendments or additions to the Standard for Gas Water Heaters, 2004 edition.

(10) NFPA 31-Standard for Installation of Oil-Burning Equipment 2006 edition. The Standard for Installation of Oil-Burning Equipment is published by the National Fire Protection Agency. A copy of this code may be obtained from National Fire Protection Agency, 1 Battery Park, Quincy, MA 02169-7471, Internet: www.nfpa.org, Phone: (617) 770-3000. This regulation does not include any later amendments or additions to The Standard for Installation of Oil-Burning Equipment 2006 edition.

(11) ASME PVHO-1-2007, Safety Standard for Pressure Vessels for Human Occupancy. A copy of this code can be obtained from The American Society of Mechanical Engineers, Three Park Ave, New York, NY 10015-5990 or Internet: www.asme.org, Phone: 1 (800) 843-2763. This regulation does not include any later amendments or additions to the ASME Safety Standard for Pressure Vessels for Human Occupancy 2007 edition.

AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002, effective May 30, 2003. Amended: Filed Jan. 12, 2006, effective June 30, 2006. Amended: Filed June 30, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.022 Certificates, Inspections and Fees. The Board of Boiler and Pressure Vessel Rules is amending sections (2), (4), (9), (13), and (14).

PURPOSE: This amendment clarifies the fees for types of boilers and water heaters using terminology that is more commonly used by manufacturers and changes the requirements for submitting inspection reports.

(2) Initial Inspection and Tagging an Object.

(A) Upon completion of the installation of a boiler, water heater**, pool heater,** or pressure vessel**,** or at the time of the initial certificate inspection, each object shall be stamped or tagged with a unique serial number issued by the state. The stamping will consist of letters and figures to be not less than five-sixteenths inch (5/16") in height and arranged as follows:

MO 123456

Alternatively, a metal tag issued by the chief inspector may be securely affixed using screws, rivets, wire**,** or other means so that the tag cannot be easily removed. The "MO" number or metal tag (not less than one inch by four inches (1" × 4") in size) shall have the serial number of the state stamped on it and may not be transferred to any other object. The tag or stamping shall be readily visible and placed as close to the ASME nameplate as practical. The tag shall preferably be attached directly to the object.

(4) Frequency of inspection of heating boilers, water heaters**, pool heaters,** and **fired** jacketed steam kettles.

(B) Hot water heating boilers and **fired** jacketed steam kettles shall be inspected every two (2) years.

1. Hot water heating and hot water supply boilers over thirty (30) years old shall be internally inspected every two (2) years where construction permits, otherwise the inspection shall be as complete as possible while the boiler is in operation.

2. Hot water heating and hot water supply boilers that are not over thirty (30) years old shall be externally inspected every two (2) years. The inspector may mandate an internal inspection if the inspector feels it is necessary.

3. Water heaters**, pool heaters,** and **fired** jacketed steam kettles shall be externally inspected every two (2) years.

(9) Inspection Reports.

(A) Inspectors shall submit to the chief inspector an inspection report on *[forms]* **the Missouri Boiler and Pressure Vessel website or by electronic interface in a format** acceptable to the board for each boiler, water heater**, pool heater,** and pressure vessel subject to inspection in this state. Complete data and calculations that may be required by these rules shall be submitted for each nonstandard boiler, water heater**,** or pressure vessel when it is first tagged or stamped with a state number.

(13) Issuance of Certificates.

(A) Upon completion of a satisfactory inspection, an inspection certificate shall be issued for each boiler, water heater**,** or pressure vessel conforming to these rules following payment of the required fees by the owner or user. **When conflict exists between the owner and user concerning the repairs or payment of fees for any object, the owner is ultimately responsible for the payment of fees and/or repairs.** Payment shall be made payable to the Division of Fire Safety.

(14) Fee Schedule.

(A) Inspections by the chief inspector or deputy inspector shall be paid in accordance with the fee schedule below. These inspection fees are in addition to the inspection certificate fee.

1. Power Boilers:

A. Internal inspections—	
4,000 lbs/hr capacity or less	$35
Over 4,000 lbs/hr up to 16,000 lbs/hr	$60
16,000 lbs/hr or greater	Hourly Rate
B. External Inspections—	
4,000 lbs/hr capacity or less	$25
Over 4,000 lbs/hr	$35

2. Heating Boilers, Water Heaters, **Pool Heaters,** and Fired Vessels:

A. Internal inspections—	
4,000 lbs/hr capacity or less	$35
[4,000–Over] **Greater than** 4,000 lbs/hr	$45
B. External inspections—	
Hot water heating **boilers, hot water supply boilers, pool heaters, circulating water heaters, and steam heating boilers** less than or equal to 15 psi *[steam boilers]*	$25
[Hot water supply boilers,] **Fired storage** water heaters*[,]* **and fired** jacketed steam kettles	$18
3. Pressure Vessels:	
A. 1,000 cu. ft. (7,500 gal.) or less in volume	$16
B. Over 1,000 cu. ft. (7,500 gal.) in volume	$25
C. Internal inspection requiring entry	Hourly Rate

D. No more than one hundred twenty dollars ($120) shall be charged for any one (1) pressure vessel, except inspection under **subparagraph** (14)(A)3.C., in any one (1) year for a routine certificate inspection.

AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002, effective May 30, 2003. Amended: Filed June 30, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.030 Power Boilers. The Board of Boiler and Pressure Vessel Rules is amending section (5).

PURPOSE: This amendment clarifies installation requirements and brings requirements in line with the National Board Inspection Code as required by statute.

(5) General Requirements for Power Boilers.

(A) Boilers with heat input *[of]* **less than** 12,500,000 British thermal units per hour (Btu/hr) *[or less]* contracted after January 1, 2004**,** shall meet the requirements of ASME CSD-1. Fuel gas piping for these boilers shall comply with the requirements of National Fire Protection Association (NFPA) 54. **Oil burning equipment shall comply with the requirements of NFPA 31.** Single unit boilers with heat input greater than **or equal to** 12,500,000 Btu/hr**, boilers with pulverized fuel systems, and waste heat boilers** shall meet the requirements of NFPA 85. **All controls required by NFPA 85 for automatically fired boilers shall be installed in accordance with the installation requirements of ASME CSD-1.** Existing installations are exempt from these rules except that any modification or replacements to the controls after January 1, 2004**,** shall meet the requirements for new installations. **Boilers installed on or after January 1, 2010, must be in accordance with the National Board Inspection Code, Part 1, and these rules.**

(F) **All existing** *[B]***b**oilers shall have adequate clearance on all sides and top to facilitate repair, maintenance**,** and inspection. *[Manufacturer's recommendations should be followed but in no case shall the clearance be less than eighteen inches (18") on all sides of the boiler, and forty-eight inches (48") on the burner end.]* **Boilers installed or reinstalled on or after January 1, 2010, shall meet the following requirements:**

1. There shall be at least thirty-six inches (36") of clearance on each side of the boiler. Boilers in battery shall not be installed any closer than forty-eight inches (48"). The front and rear of the boiler shall not be located nearer than thirty-six inches (36") from any wall or structure;

2. Boilers shall be installed to allow for removal and installation of tubes;

3. Boilers with top-opening manholes shall have at least eighty-four inches (84") of unobstructed clearance above the manhole to the ceiling of the boiler room;

4. Boilers without top-opening manholes shall have at least thirty-six inches (36") clearance from the top of the boiler; and

5. Boilers with bottom openings used for inspection or maintenance shall have at least twelve inches (12") of unobstructed clearance.

6. Note: Alternatively, clearances in accordance with the manufacturer's recommendations are subject to the approval of the chief inspector.

[(H) Combustion air shall be provided for each boiler room and shall meet the following requirements:

1. A permanent source of air from outside the building shall be provided for each boiler room to permit satisfactory combustion of fuel for the objects as well as provide proper ventilation of the boiler room under normal operating conditions;

2. The total requirements of the burners for all coal, oil, or gas fired objects shall be used to determine the air opening(s). The following minimums shall be met:

A.

Input (Btu/hr)	*Minimum Net Required Air (cu. ft./min.)*	*Louvered Area (square feet)*
500,000	*125*	*1.0*
1,000,000	*250*	*1.0*
2,000,000	*500*	*1.6*
3,000,000	*750*	*2.5*
4,000,000	*1,000*	*3.3*

Note: For heat input greater than 4,000,000 Btu/hr, use the following formula to determine required louvered area: (Btu/hr/10,000) × 2.5 = cu. ft. per minute. Divide cu. ft. per minute by 300 = net square feet of louvered area required;

B. Mechanical ventilation may be used in lieu of (5)(H)2.A. above provided the ventilation is interlocked with the burner fan so the firing device will not operate with the fan off. The velocity of air through the ventilating fan shall not exceed five hundred (500) feet per minute and the total air delivered shall be equal to or greater than that shown in (5)(H)2.A.;

C. In lieu of (5)(H)2.A. and (5)(H)2.B., the combustion air requirements of the International Mechanical Code may be used;

D. Combustion air shall not be blocked when the boiler is in operation. Opening boiler room door(s) and/or window(s) is unacceptable for supplying combustion air.]

(H) Ladders and runways shall be provided between or over the top of boilers installed or reinstalled on or after January 1, 2010, that are more than eight feet (8') above the operating floor to afford accessibility for normal operation, maintenance, and

inspection. These ladders and runways must be built and installed in accordance with the National Board Inspection Code, Part 1.

(I) Combustion air—The boiler room shall have an adequate air supply to permit clean, safe combustion, minimize soot formation, and maintain a minimum of nineteen and one-half percent (19.5%) oxygen in the air of the boiler room. The combustion and ventilation air shall be supplied by an unobstructed opening or by power ventilation or fans.

1. Unobstructed air openings shall be sized on the basis of one (1) sq. in. (6.50 sq.mm) free area per two thousand British thermal units per hour (2,000 Btu/hr) (five hundred eighty-six watts per hour (586 W/hr)) maximum fuel input of the combined burners located in the boiler room or as specified in the National Fire Protection Association (NFPA) standards for oil and gas burning installations for the particular job conditions. The boiler room air supply openings shall be kept clear at all times.

2. Power ventilators or fans shall be sized on the basis of 0.2 cfm (.0057 cm/m) for each one thousand British thermal units per hour (1,000 Btu/hr) (two hundred ninety-three watts per hour (293 W/hr)) of maximum fuel input for the combination burners of all boilers located in the boiler room. Additional capacity shall be required for any other fuel burning equipment in the boiler room.

3. When power ventilators or fans are used to supply combustion air, they shall be installed with interlock devices so that the burners will not operate without an adequate number of ventilators/fans in operation.

4. When combustion air is supplied to the boiler by an independent duct, with or without the employment of power ventilators or fans, the duct shall be sized and installed in accordance with the manufacturer's recommendations. However, ventilation of the boiler room must still be considered.

5. Care should be taken to ensure that steam and water lines are not routed across combustion air openings, where freezing may occur.

6. Opening boiler room door(s) and/or window(s) is unacceptable for supplying combustion air.

(J) Controls—

1. Oil-fired, gas-fired, and electrically heated boilers shall be equipped with suitable primary (flame safeguard) safety controls, limit switches, and burners or electric elements that are labeled and listed by a nationally or internationally recognized standard.

2. All controls and devices shall be installed in accordance with the manufacturer's recommendations, and/or industry standards, as applicable.

3. All automatically fired boilers shall have a disconnecting means capable of being locked in the open position and shall be installed at an accessible location in the same room as the object. This disconnect means shall disconnect all sources of potential from the object.

4. A manually operated remote shutdown switch or circuit breaker shall be located just outside the entrance door of the room the object is located in and be marked for easy identification. Consideration should be given to the type and location of the switch to safeguard against tampering. If the entrance door is on the building exterior, the switch should be located just inside the door. If there is more than one (1) door to the room, there should be a switch located at each door. The emergency switch must be installed in accordance with the manufacturer's instructions or a nationally recognized standard and must cause a safety shutdown and lockout.

*[(I)]***(K)** Code nameplates shall remain readily accessible at all times. Loose or missing nameplates shall be replaced or reattached as provided for in the NBIC.

*[(J)]***(L)** Rental boilers used for temporary service shall meet all of the requirements of these rules.

AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed June 30, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.040 Heating Boiler. The Board of Boiler and Pressure Vessel Rules is amending sections (2), (3), and (4).

PURPOSE: This amendment clarifies how pool heaters and fired jacketed steam kettles are classified, clarifies installation requirements, and brings requirements in line with the National Board Inspection Code as required by statute.

(2) Heating Boilers, Water Heaters**, Pool Heaters,** and Fired Jacketed Steam Kettles, Installed or Contracted for Prior to November 12, 1986.

(A) The service life of any boiler, water heater**, pool heater,** or fired jacketed steam kettle of standard construction shall be unlimited, provided:

1. It meets the inspection requirements of 11 CSR 40-2.022; and

2. All controls and safety devices required by American Society of Mechanical Engineers (ASME) Section IV Code for heating boilers and water heaters and ASME Section VIII, Division 1 Code for **fired** jacketed steam kettles and these rules*[,]* shall be installed and operable.

(B) The service life of any heating boiler, water heater, **pool heater,** or **fired** jacketed steam kettle of nonstandard construction shall be thirty (30) years. The thirty (30)-year life may be extended with the chief inspector's approval and compliance with the following requirements:

1. The operating pressure cannot exceed the maximum allowable working pressure (MAWP). The boiler, water heater**,** or jacketed steam kettle MAWP shall be calculated in accordance with the ASME Code or the requirements of the original code of construction. Objects manufactured to a standard other than the ASME Code shall be evaluated in accordance with the "state special" requirements in accordance with 11 CSR 40-2.064. The allowable stress shall be no greater than eleven thousand pounds per square inch (11,000 psi). The joint efficiency shall be in accordance with the appropriate edition and addenda of the ASME Code, most applicable for the type of construction. The MAWP of any cast iron boiler shall not be greater than fifteen (15) psi steam or thirty (30) psi water pressure;

2. A pressure test shall be conducted every four (4) years at normal operating pressure not to exceed the MAWP of the object. The test pressure shall be held for at least thirty (30) minutes without evidence

of leakage and documented to the satisfaction of the inspector. The inspector need not witness the test. The test may be an *[in operation]* **operational** test. If the object exhibits any signs of leakage, it shall be repaired prior to restoring the object to service;

3. All safety devices and controls required by the applicable ASME Code and these rules shall be installed and operable.

(3) Heating Boilers, Water Heaters**, Pool Heaters,** and Fired Jacketed Steam Kettles Contracted after November 12, 1986.

(A) New and second-hand heating boilers**,** *[and]* water heaters**, and pool heaters** shall be designed, fabricated**,** and installed to the requirements of ASME Section IV Code and these rules. New and second-hand fired jacketed steam kettles shall be designed, fabricated**,** and installed to the requirements of ASME Section VIII, Division 1 Code and these rules.

(4) General Requirements for Heating Boilers, Water Heaters**, Pool Heaters,** and **Fired** Jacketed Steam Kettles.

(A) Heating boilers, water heaters**, pool heaters,** and **fired** jacketed steam kettles shall not be operated for a purpose not originally intended by the manufacturer unless approved by the board (i.e.**,** potable water heaters may not be operated as a steam or hot water heating boiler).

(B) Heating boilers, water heaters, pool heaters, and fired jacketed steam kettles must be installed in accordance with the manufacturer's instructions and these rules, unless otherwise approved by the chief inspector.

*[(B)]***(C)** Heating boilers with heat input *[of]* **less than** 12,500,000 British thermal units per hour (Btu/hr) *[or less]* contracted after January 1, 2004**,** shall meet the requirements of ASME CSD-1. Fuel gas piping for these boilers shall comply with the requirements of National Fire Protection Association (NFPA) 54. **Oil burning equipment shall comply with the requirements of NFPA 31.** Single unit boilers with heat input greater than **or equal to** 12,500,000 Btu/hr**, boilers with pulverized fuel systems, and waste heat boilers** shall meet the requirements of NFPA 85. **All controls required by NFPA 85 for automatically fired boilers shall be installed in accordance with the installation requirements of ASME CSD-1.** Existing installations are exempt from these rules except that any modification or replacements to the controls after January 1, 2004**,** shall meet the requirements for new installations. **Boilers installed on or after January 1, 2010, must be in accordance with the National Board Inspection Code, Part 1, and these rules.**

*[(C)]***(D)** All safety and safety relief valve outlets shall be piped to a safe discharge. There shall be no valves on the outlet piping or between the boiler and the safety or safety relief valve inlet. The end of all discharge piping shall be visible to the operator when piped into a drain. Drains on safety or safety relief valve bodies shall remain open at all times. Safety or safety relief valve inlet and outlets shall not be reduced. Weighted lever safety valves are prohibited. Safety valves with either the seat or disk of cast iron are prohibited. The minimum valve capacity shall be in accordance with ASME Section IV Code for heating **boilers** and hot water heaters and Appendix 19 of ASME Section VIII, Division 1 Code for fired jacketed steam kettles. Alternatively, the relieving capacity for heating boilers may be determined based on the burner output rating or by multiplying the heating surface in square feet by the applicable value in the following table:

Minimum Pounds of Steam Per Hour Per Square Foot of Heating Surface

	Fire Tube Boiler	Water Tube Boiler
Boiler		
Hand fired	5	6
Stoker fired	7	9
Oil, gas, pulverized fuel fired	8	10
Waterwall		
Hand fired	8	8
Stoker fired	10	10
Oil, gas, pulverized fuel fired	14	16

When a boiler is fired only by a gas having a heat value not in excess of two hundred (200) Btu/cubic feet (cu. ft.), the minimum safety or safety relief valve capacity may be based on the value given for hand fired boilers. The minimum safety or safety relief valve capacity for electric boilers shall be **three and one-half (**3.5**)** pounds per hour per kilowatt input.

*[(D)]***(E)** Each heating boiler, water heater**,** and jacketed steam kettle shall be safely supported. There shall be no excessive vibration in either the object or the connecting piping.

*[(E)]***(F) All existing** *[H]***h**eating boilers, water heaters**, pool heaters,** and **fired** jacketed steam kettles shall have adequate clearance on all sides and top to facilitate repair, maintenance**,** and inspection. *[Manufacturer's recommendations shall be followed, but in no case shall the clearance be less than eighteen inches (18") on all sides of the boiler and forty-eight inches (48") on the burner end.]* **Heating boilers, water heaters, pool heaters, and fired jacketed steam kettles, installed or reinstalled on or after January 1, 2010, shall meet the following requirements:**

1. There shall be at least thirty-six inches (36") of clearance on each side of the boiler. Boilers in battery shall not be installed any closer than forty-eight inches (48"). The front and rear of the boiler shall not be located nearer than thirty-six inches (36") from any wall or structure;

2. Boilers shall be installed to allow for removal and installation of tubes;

3. Boilers with top-opening manholes shall have at least eighty-four inches (84") of unobstructed clearance above the manhole to the ceiling of the boiler room;

4. Boilers without top-opening manholes shall have at least thirty-six inches (36") clearance from the top of the boiler;

5. Boilers with bottom openings used for inspection or maintenance shall have at least twelve inches (12") of unobstructed clearance; and

6. Modular heating boilers that require individual units to be set side by side, front to back, or by stacking may provide clearances in accordance with the manufacturer's recommendations with the approval of the chief inspector.

7. Note: Alternatively, clearances in accordance with the manufacturer's recommendations are subject to the approval of the chief inspector.

*[(F)]***(G)** All rooms containing heating boilers, water heaters**,** and jacketed steam kettles with a combined capacity over one (1) million Btu/hr and over five hundred (500) square feet floor area shall have at least two (2) exits remotely located from each other.

[(G) Combustion air shall be provided for each room and shall meet the following requirements:

1. A permanent source of air from outside the building shall be provided for each boiler room to permit satisfactory combustion of fuel for the objects as well as provide proper ventilation of the boiler room under normal operating conditions;

2. The total requirements of the burners for all coal, oil, or gas fired objects shall be used to determine the air opening(s). The following minimums shall be met:

A.

Input (Btu/hr)	*Minimum Net Required Air (cu. ft./min.)*	*Louvered Area (square feet)*
500,000	*125*	*1.0*
1,000,000	*250*	*1.0*
2,000,000	*500*	*1.6*
3,000,000	*750*	*2.5*
4,000,000	*1,000*	*3.3*

Note: For heat input greater than four (4) million Btu/hr, use the following formula to determine required louvered area: (Btu/hr/10,000) × 2.5 = cu. ft. per minute. Divide cu. ft. per minute by 300 = net square feet of louvered area required;

B. Mechanical ventilation may be used in lieu of 11 CSR 40-2.040(4)(G)2.A. provided the ventilation is interlocked with the burner fan so the firing device will not operate with the fan off. The velocity of air through the ventilating fan shall not exceed five hundred (500) feet per minute and the total air delivered shall be equal to or greater than that shown in 11 CSR 40-2.040(4)(G)2.A.;

C. In lieu of 11 CSR 40-2.040(4)(G)2.A. and 11 CSR 40-2.040(4)(G)2.B. the combustion air requirements of the International Mechanical Code may be used.

D. Combustion air shall not be blocked when the heating boiler, water heater, or fired jacketed steam kettle is in operation. Opening room door(s) and/or window(s) is unacceptable for supplying combustion air.]

(H) Ladders and runways shall be provided between or over the top of boilers installed or reinstalled on or after January 1, 2010, that are more than eight feet (8') above the operating floor to afford accessibility for normal operation, maintenance, and inspection. These ladders and runways must be built and installed in accordance with the National Board Inspection Code, Part 1.

(I) Combustion air—The boiler room shall have an adequate air supply to permit clean, safe combustion, minimize soot formation, and maintain a minimum of nineteen and one-half percent (19.5%) oxygen in the air of the boiler room. The combustion and ventilation air shall be supplied by an unobstructed opening or by power ventilation or fans.

1. Unobstructed air openings shall be sized on the basis of one (1) sq. in. (6.50 sq. mm) free area per two thousand British thermal units per hour (2,000 Btu/hr) (five hundred eighty-six watts per hour (586 W/hr)) maximum fuel input of the combined burners located in the boiler room or as specified in the National Fire Protection Association (NFPA) standards for oil and gas burning installations for the particular job conditions. The boiler room air supply openings shall be kept clear at all times.

2. Power ventilators or fans shall be sized on the basis of 0.2 cfm (.0057 cm/m) for each one thousand British thermal units per hour (1,000 Btu/hr) (two hundred ninety-three watts per hour (293 W/hr)) of maximum fuel input for the combination burners of all boilers located in the boiler room. Additional capacity shall be required for any other fuel burning equipment in the boiler room.

3. When power ventilators or fans are used to supply combustion air, they shall be installed with interlock devices so that the burners will not operate without an adequate number of ventilators/fans in operation.

4. When combustion air is supplied to the boiler by an independent duct, with or without the employment of power ventilators or fans, the duct shall be sized and installed in accordance with the manufacturer's recommendations. However, ventilation of the boiler room must still be considered.

5. Care should be taken to ensure that steam and water lines are not routed across combustion air openings, where freezing may occur.

6. Opening boiler room door(s) and/or window(s) is unacceptable for supplying combustion air.

(J) Controls—

1. Oil-fired, gas-fired, and electrically heated heating boilers, water heaters, pool heaters, and fired jacketed steam kettles shall be equipped with suitable primary (flame safeguard) safety controls, limit switches, and burners or electric elements that are labeled and listed by a nationally or internationally recognized standard.

2. All controls and devices shall be installed in accordance with the manufacturer's recommendations, and/or industry standards, as applicable.

3. All automatically fired heating boilers, water heaters, pool heaters, and fired jacketed steam kettles shall have a disconnecting means capable of being locked in the open position and shall be installed at an accessible location in the same room as the object. This disconnect means shall disconnect all sources of potential from the object.

4. A manually operated remote shutdown switch or circuit breaker shall be located just outside the entrance door of the room the object is located in and be marked for easy identification. Consideration should be given to the type and location of the switch to safeguard against tampering. If the entrance door is on the building exterior, the switch should be located just inside the door. If there is more than one (1) door to the room, there should be a switch located at each door. The emergency switch must be installed in accordance with the manufacturer's instructions or a nationally recognized standard and must cause a safety shutdown and lockout.

(K) Each gas-fired water heater contracted after January 1, 2010, must be certified to the American National Standard/CSA Standard for Gas Water Heaters, Volume III (ANSI Z21.10.3 CSA 4.3) and must bear a label as proof of this certification.

(L) Each gas fired pool heater contracted after January 1, 2010, must meet one (1) of the following—

1. Be certified to the American National Standard/CSA Standard For Gas-Fired Pool heaters,(ANSI Z21.56 CSA 4.7) and bear the label as proof of this certification; or

2. Commercial pool heaters applications that do not have one hundred percent (100%) of pool loop water flow circulating through the pool heater may be certified to the American National Standard/CSA Standard for Gas Water Heaters, Volume III (ANSI Z21.10.3 CSA 4.3) and must bear a label as proof of this certification, provided the unit must bear a label from the manufacturer as evidence that the water heater has been approved for commercial pool heating applications when installed per the manufacturer's instructions. Additionally, the manufacturer must provide additional listed temperature controls that will limit the water temperature delivered to the pool from exceeding one hundred eight degrees Fahrenheit (108 °F) with details for the installation of these controls.

*[(H)]***(M)** The Code nameplates shall remain readily accessible at all times. Loose or missing nameplates shall be replaced or reattached as provided for in the *National Board Inspection Code*.

*[(I)]***(N)** Rental heating boilers, water heaters**,** and fired jacketed steam kettles, used for temporary service, shall meet all of the requirements of these rules. The internal inspection, required by 11 CSR 40-2.022, may be waived by the inspector, based on documentation that a national board-commissioned inspector has evaluated the internal surfaces of the object within the past twelve (12) months and found the object acceptable for use. An external, in-operation inspection shall be the basis for the inspection certificate. The inspection certificate shall expire no later than twenty-four (24) months from the date of the last internal inspection.

AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed June 30, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

PROPOSED AMENDMENT

11 CSR 40-2.061 New Installations. The Board of Boiler and Pressure Vessel Rules is amending section (2).

PURPOSE: This amendment clarifies how waste heat boilers are classified.

(2) Minimum construction standards for new boilers, water heaters**,** and pressure vessels contracted for after November 12, 1986.

(A) All new boilers, water heaters**,** and pressure vessels shall be designed, constructed, inspected, stamped**,** and installed in accordance with the American Society of Mechanical Engineers (ASME) Code and these rules, unless exempted from such construction by the Act. Boilers, water heaters**,** and pressure vessels for which an ASME Manufacturers' Data Report is required*[,]* shall be registered with the National Board. **All pressure vessels in which steam is generated by the application of heat resulting from the combustion of fuel (solid, liquid, or gaseous) or electrical energy for use external to itself shall be classified as a fired steam boiler.**

AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002, effective May 30, 2003. Amended: Filed June 30, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.100 Chip Specifications. The commission is amending subsection (1)(B), adding new paragraph (1)(C)3., and renumbering the remaining paragraphs.

PURPOSE: This amendment adds a two-dollar ($2) chip to the denominations authorized.

(1) Value Chips.

(B) Unless otherwise authorized by the commission, value chips may be issued by Class B licensees in denominations of fifty cents, one, **two,** two and one-half, five, twenty-five, one hundred, five hundred, one thousand, five thousand, and ten thousand dollars (50¢, $1, **$2,** $2.50, $5, $25, $100, $500, $1,000, $5,000 and $10,000). The licensees shall have the discretion to determine the denominations to be utilized on its riverboat and the amount of each denomination necessary for the conduct of gaming operations.

(C) Each denomination of value chip shall have a different primary color from every other denomination of value chip. Unless otherwise approved by the commission, value chips shall fall within the colors set forth in this subsection when the chips are viewed both in daylight and under incandescent light. In conjunction with these primary colors, each holder of a Class B license shall utilize contrasting secondary colors for the edge spots on each denomination of value chip. Unless otherwise approved by the commission, no holder of a Class B license shall use a secondary color on a specific denomination of chip identical to the secondary color used by another holder of a Class B license on that same denomination of value chip. The primary color to be utilized by each holder of a Class B license for each denomination of value chip shall be—

1.	50¢	Pink
2.	$ 1	White
3.	**$ 2**	**Beige**
*[3.]***4.**	$2.50	Blue
*[4.]***5.**	$ 5	Red
*[5.]***6.**	$ 25	Green
*[6.]***7.**	$100	Black
*[7.]***8.**	$500	Fire Orange
*[8.]***9.**	$1,000	Purple
*[9.]***10.**	$5,000	Gray
*[10.]***11.**	$10,000	Yellow

AUTHORITY: section[s] 313.004, RSMo 2000 and ***sections*** *313.805 and 313.817, RSMo Supp. 2008. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 29, 2008, effective April 30, 2009. Amended: Filed June 30, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not result in any cost to the casinos, because they are not required to purchase these chips.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing is scheduled for September 9, 2009, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance. The division is adding section (6).

PURPOSE: This amendment will establish the Medicaid Managed Care Organizations' Reimbursement Allowance for the three (3)-month period of July 1, 2009, through September 30, 2009, at five and forty-nine hundredths percent (5.49%) each Medicaid Managed Care Organization is required to pay for the privilege of engaging in the business of providing health benefit services in this state as required by sections 208.431 to 208.437, RSMo.

(6) Medicaid MCORA Rates for SFY 2010. The Medicaid MCORA rates for SFY 2010 determined by the division, as set forth in subsection (1)(B) above, are as follows:

(A) The Medicaid MCORA will be five and forty-nine hundredths percent (5.49%) of the prior month Total Revenue received by each Medicaid MCO for the three (3)-month period of July 1, 2009, through September 30, 2009. The Medicaid MCORA will be collected for the three (3)-month period of July 1, 2009, through September 30, 2009. No Medicaid MCORA shall be collected by the Department of Social Services if the federal Centers for Medicare and Medicaid Services (CMS) determines that such reimbursement allowance is not authorized under Title XIX of the Social Security Act.

*AUTHORITY: sections 208.201, 208.431, and 208.435, RSMo Supp. [2007] **2008**. Original rule filed June 1, 2005, effective Dec. 30, 2005. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 19, 2009, effective July 1, 2009, expires Sept. 30, 2009. Amended: Filed July 1, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated fifty thousand dollars ($50,000) in state fiscal year 2010.

PRIVATE COST: This proposed amendment will cost private entities $20,708,972 in state fiscal year 2010.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. **Department Title:** Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

Rule Number and Name:	13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	SFY 2010 - $50,000

III. WORKSHEET

For SFY 2010, since the capitation rates must be increased to reflect the additional cost to the Medicaid MCOs and the capitation payments must be actuarially sound, additional administrative costs will be incurred by the Department to obtain this actuarial certification to satisfy federal managed care rules. The Department estimates an additional $50,000 in actuarial costs for this certification.

IV. ASSUMPTIONS

Since the provider tax is a cost of doing business in the state, the administration portion of the Medicaid MCO capitation payment would increase to take into account the tax paid on a per member, per month basis. All amounts remitted shall be deposited in the Medicaid Managed Care Organization Reimbursement Allowance Fund for the sole purpose of providing payment to the Medicaid managed care organizations.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

Rule Number and Title:	13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Medicaid Managed Care Organizations doing business in the State of Missouri	SFY 2010=$20,708,972

III. WORKSHEET

The fiscal note is based on establishing the SFY 2010 MCORA assessment percentage at 5.49% for the three month period of July 2009 through September 2009.

IV. ASSUMPTIONS

The SFY 2010 MCORA assessment is based on prior month total revenue multiplied by 5.49% tax assessment rate for July 2009 through September 2009. The estimated impact of the Medicaid Managed Care provider tax assessment is $20.7 million.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates. The division is adding paragraph (3)(A)14.

PURPOSE: This amendment provides for a per diem increase to nursing facility and HIV nursing facility reimbursement rates by granting a trend adjustment resulting in an increase of five dollars and fifty cents ($5.50) effective for dates of service beginning July 1, 2009.

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in *[paragraph]* **subsection** (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in *[paragraph]* **subsection** (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents ($2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents ($1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in *[paragraph]* **subsection** (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in *[paragraph]* **subsection** (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in *[paragraph]* **subsection** (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents ($4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents ($3.78).

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents ($3.17) to improve the quality of life for nursing facility residents.

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents ($3.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents ($5.50) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

*AUTHORITY: section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. [2007] **2008**. Original rule filed July 1, 2008, effective Jan. 30, 2009. Emergency rule filed Oct. 3, 2008, effective Oct. 13, 2008, expired April 10, 2009. Amended: Filed July 1, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately $55,861,282 for SFY 2010.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	SFY 2010 = $55,861,282

III. WORKSHEET

SFY 2010:

Description	Nursing Facility Per Diem Incr.	NFRA Add-On Increase	Effect on Hospice in NF	Total Impact
Estimated Paid Days Impacted: SFY 2010	8,500,610	8,500,610	613,447	
x Per Diem Rate Increase	$5.50	$0.65	$5.84	
Total Estimated Impact: SFY 2010	$46,753,355	$5,525,397	$3,582,530	$55,861,282
State Share	$16,747,052	$1,979,197	$1,283,262	$20,009,511
Federal Share (64.18%)	$30,006,303	$3,546,200	$2,299,268	$35,851,771

IV. ASSUMPTIONS

Estimated Paid Days:

Nursing Facility:
The estimated paid days for SFY 2010 are based on the actual Medicaid days paid for nursing facility services during SFY 2008, increased by 1.0% for 2009 and by an additional 0.5% for 2010.

Hospice:

The estimated paid days for SFY 2010 for hospice are based on the actual hospice days provided in nursing facilities from February 2008 through January 2009.

NFRA Add-On Increase:

An increase in the NFRA assessment of $0.65 from $8.42 to $9.07 effective July 1, 2009 as set forth in 13 CSR 70-10.110, impacts this regulation. The NFRA assessment is an allowable cost for reimbursement and is accounted for as an add-on to the per diem rate under this regulation; therefore, the cost has been included in this fiscal note.

Effect on Hospice:

Hospice providers are reimbursed 95% of the nursing facility per diem for hospice participants residing in a nursing facility. The total increase to the nuring facility per diem is $6.15 ($5.50 + $0.65). The increase to hospice reimbursement rates resulting from this amendment is $5.84 ($6.15 x 95%).

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.110 Nursing Facility Reimbursement Allowance. The division is amending section (1) and adding subsection (2)(L).

PURPOSE: This amendment provides for a change in the nursing facility reimbursement allowance rate to nine dollars and seven cents ($9.07) effective beginning July 1, 2009.

(1) Nursing Facility Reimbursement Allowance (NFRA). NFRA shall be assessed as described in this section.

(A) Definitions.

1. Nursing facility. An institution or a distinct part of an institution which—

A. Is primarily engaged in providing to residents—

(I) Skilled nursing care and related services for residents who require medical or nursing care; or

(II) Rehabilitation services for the rehabilitation of injured, disabled, or sick persons; or

(III) On a regular basis, health-care and services to individuals who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities*[,]* and is not primarily for the care and treatment of mental diseases; and

B. Has in effect a transfer agreement with one (1) or more hospitals as required by federal law; and

C. Meets the requirements for a nursing facility described in section 1919(b)–(d) of the Social Security Act; or

D. Is licensed in accordance with Chapter 198, RSMo**,** as a skilled nursing facility.

2. Fiscal period. A facility's twelve (12)-month fiscal reporting period covering the same twelve (12)-month period as its federal tax year.

3. Department. Department of Social Services.

4. Director. Director of the Department of Social Services.

5. Division. *[Division of Medical Services]* **MO HealthNet Division**, Department of Social Services.

6. Department of Health and Senior Services (DHSS). The Missouri state agency responsible for licensing and inspecting all long-term care facilities operating in Missouri and certifying annually those facilities participating in the Medicare or Medicaid program.

7. Engaging in the business of providing nursing facility services. Accepting payment for nursing facility services rendered.

8. Quarterly survey. The survey filled out each quarter by a nursing facility providing data on its licensed and certified beds and the related resident occupancy days (ROD) that is submitted to the DHSS. The survey form, "Missouri Department of Health and Senior Services, Division of Senior Services and Regulation, ICF/SNF Certificate of Need Quarterly Survey" (form MO 886-9001 (6-95)), incorporated by reference in this rule, is published by the Department of Health and Senior Services, Division of Senior Services and Regulation, PO Box 570, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions.

9. Applicable quarterly survey. The quarterly survey used by the division from which the patient occupancy days are taken to determine the NFRA assessment for a given period as set forth in section (2).

10. Patient occupancy days. The number of days that residents occupied the licensed beds in a nursing facility as shown on the quarterly survey, line D. "Number of occupied RODs (days patients in beds or beds held)."

11. Annualized level of patient occupancy days. The annual level of patient occupancy days used to determine the annual NFRA assessment.

A. For existing nursing facilities whose NFRA assessment is set in accordance with (1)(B)1. of this regulation, the annualized level of patient occupancy days is calculated by taking the number of patient occupancy days shown on line D. of the quarterly survey multiplied by four (4).

B. For nursing facilities whose NFRA assessment is not set by the general rule set forth in (1)(B)1. (i.e., it is an exception set under (1)(B)1.A., is a new facility set under (1)(B)2., qualifies for a NFRA Adjustment in accordance with section (3), etc.), the annualized level of patient occupancy days may be calculated differently and is set forth in those sections.

12. Licensed beds. Any skilled nursing facility or intermediate care facility bed meeting the licensing requirement of the Missouri Department of Health and Senior Services.

13. Licensed bed days. The total number of patient days available for use during a given period for all licensed beds. For purposes of this regulation, licensed bed days are calculated for an annual period and is the number of licensed beds times three hundred sixty-five (365) days.

14. Change of ownership. A change in the ownership, control, operator**,** or leasehold interest.

(2) NFRA Rates. The NFRA rates determined by the division, as set forth in (1)(B) above, are as follows:

(L) Effective July 1, 2009, the NFRA will be nine dollars and seven cents ($9.07) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K).

AUTHORITY: sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433, 198.436, and ***208.159****, RSMo 2000 and* ***sections*** *198.439, [RSMo Supp. 2004]* ***208.153, and*** *208.201****, RSMo Supp. 2008****. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed July 1, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately $9,718,930 for July 1, 2009–June 30, 2010.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the ***Missouri Register****. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Nursing Home Program

Rule Number and Title:	13 CSR 70-10.110 Nursing Facility Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities:
520	Nursing facilities	Annual estimated cost: $9,718,930

III. WORKSHEET

SFY 2010:

$8.42 NFRA Rate

Estimated Assessment Days: SFY 2010	14,952,212
x NFRA Rate	$ 8.42
Total Estimated Impact	$ 125,897,636

$9.07 NFRA Rate

Estimated Assessment Days: SFY 2010	14,952,212
x NFRA Rate	$ 9.07
Total Estimated Impact	$ 135,616,566

Difference as Impact SFY 2010 $ 9,718,930

IV. ASSUMPTIONS

Effective July 1, 2009 the Nursing Facility Reimbursement Allowance (NFRA) rate changes from eight dollars and forty-two cents ($8.42) to nine dollars and seven cents ($9.07). The determination of the number of assessment days for SFY 2010 is in the current regulation. These days were multiplied by the NFRA rate in effect of $8.42 which would occur if the proposed amendment was not implemented. The same number of days was multiplied by the proposed NFRA rate of $9.07. The difference between the $8.42 and $9.07 NFRA rate calculated is the impact. After SFY 2010 this amount will become part of the core budget and continue annually until amended.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is amending section (16) and adding section (17).

PURPOSE: This amendment will revise the State Fiscal Year (SFY) 2009 Federal Reimbursement Allowance (FRA) assessment to five and forty hundredths percent (5.40%) of each hospital's inpatient and outpatient adjusted net revenues as determined from its base year cost report. This amendment will also establish the FRA assessment beginning July 1, 2009, of five and forty hundredths percent (5.40%) of each hospital's inpatient and outpatient adjusted net revenues as determined from its base year cost report.

(16) Federal Reimbursement Allowance (FRA) for State Fiscal Year (SFY) 2009. The FRA assessment shall be determined at the rate of five and *[twenty-five]* **forty** hundredths percent (*[5.25]***5.40**%) of each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues from the hospital's 2006 Medicare/Medicaid cost report. The FRA assessment rate of **five and forty hundredths percent (***[5.25]***5.40**%**)** will be applied individually to the hospital's inpatient adjusted net revenues and outpatient adjusted net revenues. The hospital's total FRA assessment for SFY 2009 is the sum of the assessment determined from its inpatient adjusted net revenue plus the assessment determined for its outpatient adjusted net revenue.

(17) Beginning July 1, 2009, the Federal Reimbursement Allowance (FRA) assessment shall be determined at the rate of five and forty hundredths percent (5.40%) of each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues from the hospital's 2007 Medicare/Medicaid cost report. The FRA assessment rate of five and forty hundredths percent (5.40%) will be applied individually to the hospital's inpatient adjusted net revenues and outpatient adjusted net revenues. The hospital's total FRA assessment beginning July 1, 2009, is the sum of the assessment determined from its inpatient adjusted net revenue plus the assessment determined for its outpatient adjusted net revenue.

*AUTHORITY: section 208.201, RSMo Supp. [2007] **2008** and sections 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 19, 2009, effective July 1, 2009, expires Dec. 28, 2009. Amended: Filed July 1, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in SFY 2009 and will not cost state agencies or political subdivisions more than five hundred dollars ($500) in SFY 2010, which periods cover the anticipated aggregate public cost of the amended rule.

PRIVATE COST: This proposed amendment is expected to cost private entities $23,585,027 in SFY 2009 and $880,403,668 in SFY 2010.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. **Department Title:** Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Hospital Program

Rule Number and Title:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities:
139	**Hospitals**	**SFY 2009: $23,585,027**
		SFY 2010: $880,403,668

III. WORKSHEET

The fiscal note is based on revising the FRA assessment rate to 5.40% for SFY 2009 (July 1, 2008 through June 30, 2009), and establishing the FRA assessment rate at 5.40% for SFY 2010 (July 1, 2009 through June 30, 2010).

IV. ASSUMPTIONS

The annual estimated cost of $23,585,027 for SFY 2009 is the additional FRA assessment resulting from the increase in the SFY 2009 FRA assessment rate from 5.25% to 5.40%.

The FRA assessment rate beginning July 1, 2009 of 5.40%, for July 1, 2009 through June 30, 2010, is levied upon Missouri hospitals' inpatient net adjusted revenue of approximately $7,709,440,188. The FRA assessment rate of 5.40% is also levied upon Missouri hospitals' outpatient net adjusted revenue of approximately $5,667,603,229.

The 139 hospitals reported above include 38 hospitals that are owned or controlled by the state, counties, cities, or hospital districts. The impact on these hospitals for the increase in the SFY 2009 FRA assessment rate is $3,178,537. The impact on these hospitals for the establishment of the SFY 2010 FRA assessment rate is $122,068,537.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.320 Pharmacy Reimbursement Allowance. The division is amending subsection (2)(E).

PURPOSE: This amendment establishes the Pharmacy Reimbursement Allowance beginning October 1, 2009, at one and twenty hundredths percent (1.20%) of gross retail prescription receipts.

(2) Payment of the PRA.

(E) PRA Rates.

1. The PRA tax rate will be a uniform effective rate of *[eighty-nine hundredths percent (.89%)]* **one and twenty hundredths percent (1.20%)** with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed five hundredths percent (.05%) based on the pharmacy's total prescription volume.

2. The maximum rate shall be five percent (5%).

AUTHORITY: sections 208.201 and 338.505, RSMo Supp. 2008. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 3, 2003, effective Aug. 30, 2003. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Emergency amendment filed Sept. 12, 2008, effective Sept. 22, 2008, expired March 20, 2009. Amended: Filed Sept. 12, 2008, effective April 30, 2009. Amended: Filed July 1, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities $55,800,000 annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the ***Missouri Register****. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Pharmacy Program

Rule Number and Title:	13 CSR 70-20.320 Pharmacy Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities:
1,200	Retail Pharmacies	$55.8 million

III. WORKSHEET

IV. ASSUMPTIONS

The tax is based on gross retail prescription receipts reported via an affidavit by the pharmacies. Total gross retail prescription receipts for calendar year 2008 were approximately $4.65 billion. The tax rate for the year is estimated at 1.20%, therefore, the fiscal impact is estimated at $55.8 million.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.120 Dental Assistants. The board is proposing to amend section (1), subsection (3)(E), and section (4), add a new section (5), and renumber the remaining sections accordingly.

PURPOSE: This amendment more clearly defines the duties that can be delegated to an expanded functions dental assistant as well as defines the training a dental assistant should receive in order to be delegated expanded function duties.

(1) Definitions.

(A) Accredited dental assisting program—a dental assisting educational program accredited by the Commission on Dental Accreditation of the American Dental Association.

*[(A)]***(B)** Certified dental assistant—a dental assistant who is currently certified by the Dental Assisting National Board, Inc.

*[(B)]***(C)** Dental assistant—an employee of a duly registered and currently licensed dentist in Missouri, other than either a dental hygienist or a certified dental assistant.

*[(C)]***(D)** Dental auxiliary—either a dental assistant or certified dental assistant as defined in subsections (1)(B) and (C).

*[(D)]***(E)** Direct supervision—the following conditions must be satisfied for direct supervision to apply:

1. The dentist is in the dental office or treatment facility;

2. The dentist has personally diagnosed the condition to be treated;

3. The dentist has personally authorized the procedures;

4. The dentist remains in the dental office or treatment facility while the procedures are being performed by the dental auxiliary; and

5. The dentist evaluates the performance of the dental auxiliary before the dismissal of the patient.

(F) Expanded functions dental assistant (EFDA) approved course provider—a provider of expanded function curriculum and competency testing approved by the Missouri Dental Board.

(G) Missouri test of basic dental assisting skills—a test of basic knowledge of dental assisting approved by the board including terminology, principles of asepsis, disinfection and sterilization, and other concepts of dental assisting deemed necessary to master courses in more advanced assisting functions.

*[(E)]***(H)** Proof of competence—*[any written document,]* **documentation,** such as a diploma, a certificate of mastery, or a letter from an approved **course provider or** competency testing agent stating that the dental auxiliary has successfully **completed a board approved course of training and competency testing of that training.** *[passed the competency testing for specific functions after having—*

1. Completed an approved course—a course of study offered by an accredited school of dentistry, dental hygiene, or dental assisting or any course approved by the Missouri Dental Board; and

2. Passed an approved competency examination—an examination testing essential knowledge of specifically itemized functions constructed, administered and evaluated by an accredited school of dentistry, dental hygiene, or dental assisting, the Dental Assisting National Board, or any other competency testing agent approved by the Missouri Dental Board.]

(3) A dental assistant or certified dental assistant may assist the administration of and monitor nitrous oxide analgesia under direct supervision if s/he—

(E) Upon presentation to the dental board of proof of competency that the dental assistant or certified dental assistant has complied with the requirements imposed by subsections (3)(A)*[,]* **and** (B) or (C) of this rule, and remitted the appropriate fee as specified in *[4 CSR 110-2.170]* **20 CSR 2110-2.170**, the Missouri Dental Board will issue the appropriate certification to the dental assistant or certified dental assistant.

(4) *[A]* **Effective December 1, 2010, a** currently licensed dentist may delegate, under direct supervision, functions listed in subsection (4)(D) of this rule to a certified dental assistant or a dental assistant subsequent to submission to the Missouri Dental Board of the following satisfactory proof of competence:

(B) Certified dental assistants graduating prior to June 1, 1995, or from programs outside Missouri, may be delegated the functions in subsection (4)(D) of this rule with proof of competence issued by their educational institutions and may be delegated other specific functions if they have completed an approved course, passed an approved competency examination, and can provide proof of competency as defined in subsection (1)*[(D)]***(H)**;

(C) Dental assistants, as defined in subsection (1)*[(B)]***(C)**, may be delegated any specific function listed in subsection (4)(D) of this rule if they have successfully completed *[a basic dental assisting skills mastery examination approved by the board, completed an approved course, passed an approved competency examination,]* **the board's Missouri Test of Basic Dental Assisting Skills and a board approved expanded functions training course** and can provide proof of competence as defined in subsection (1)*[(D)]***(H)**;

(D) Functions delegable upon successful completion of competency testing are*[—]* **divided into five (5) categories—restorative I, restorative II, fixed prosthodontics, removable prosthodontics, and orthodontics and are listed below by category:**

[1. Placement of post-extraction and sedative dressings;

2. Placing periodontal dressings;

3. Size stainless steel crowns;

4. Placing and condensing amalgam for Class I, V, and VI restorations;

5. Carving amalgam;

6. Placing composite for Class I, V, and VI restorations;

7. Polishing the coronal surfaces of teeth (air polisher);

8. Minor palliative care of dental emergencies (place sedative filling);

9. Preliminary bending of archwire;

10. Removal of orthodontic bands and bonds;

11. Final cementation of any permanent appliance or prosthesis;

12. Minor palliative care of orthodontic emergencies (that is, bend/clip wire, remove broken appliance);

13. Making impressions for the fabrication of removable prosthesis;

14. Placement of temporary soft liners in a removable prosthesis;

15. Place retraction cord in preparation for fixed prosthodontic impressions;

16. Making impressions for the fabrication of fixed prosthesis;

17. Extra-oral adjustment of fixed prosthesis;

18. Extra-oral adjustment of removable prosthesis during and after insertion; and

19. Placement and cementation of orthodontic brackets and/or bands; and]

1. Restorative I—

A. Sizing and cementing of prefabricated crowns;

B. Placing, condensing, and carving amalgam for Class I, V, and VI restorations;

C. Placing composite for Class I, V, and VI restorations; and

D. Minor palliative care of dental emergencies (place sedative filling);

2. Restorative II—

A. Sizing and cementing of prefabricated crowns;

B. Placing, condensing, carving, and finishing amalgam for Class I, II, III, IV, V, and VI restorations;

C. Placing and finishing composite for Class I, II, III, IV, V, and VI restorations; and

D. Minor palliative care of dental emergencies (place sedative filling);

3. Orthodontics—

A. Preliminary bending of archwire;

B. Removal of orthodontic bands and bonds;

C. Final cementation of any permanent appliance or prosthesis;

D. Making impressions for the fabrication of any removable or fixed prosthesis/appliance; and

E. Placement and cementation of orthodontic brackets and/or bands;

4. Prosthodontics – Fixed—

A. Place retraction cord in preparation for fixed prosthodontic impressions;

B. Extra-oral adjustments of fixed prosthesis;

C. Final cementation of any permanent appliance or prosthesis; and

D. Making impressions for the fabrication of any fixed prosthesis/appliance; and

5. Prosthodontics – Removable—

A. Placement of temporary soft liners in a removable prosthesis;

B. Extra-oral adjustments of removable prosthesis during and after insertion;

C. Minor palliative care of dental emergencies (place sedative filling); and

D. Making impressions for the fabrication of any removable prosthesis/appliance; and

(5) The board may approve expanded function course providers that satisfy the following minimum criteria:

(A) Use course curriculum approved by the board;

(B) Demonstrate that faculty at each course include at least one (1) dentist and that the student to faculty ratios do not exceed one (1) faculty member per ten (10) students;

(C) Demonstrate that adequate faculty calibration occurs to insure that educational standards are maintained;

(D) Demonstrate that adequate testing, monitoring, and evaluation are in place to assure that graduates can be certified as having attained mastery of the component skills and concepts in a laboratory setting; and

(E) Demonstrate that mechanisms are in place to provide the board with data on the outcomes of expanded duty dental assisting training by reporting on follow-up blind surveys of certified assistants, supervising dentists, and patients.

*[(5)]***(6)** A currently licensed dentist may delegate under direct supervision to a dental assistant or certified dental assistant any functions not specifically referenced in sections (2)–(4) of this rule and not considered either the practice of dentistry or the practice of dental hygiene as defined in sections 332.071 and 332.091, RSMo, and *[4 CSR 110-2.130]* **20 CSR 2110-2.130**.

*[(6)]***(7)** The licensed dentist is responsible for determining the appropriateness of delegation of any specific function based upon knowledge of the skills of the auxiliary, the needs of the patient, the requirements of the task**,** and whether proof of competence is required.

*[(7)]***(8)** Pursuant to section 332.031.2., RSMo, the dentist is ultimately responsible for patient care. Nothing contained in the authority given the dentist by this rule to delegate the performance of certain procedures shall in any way relieve the supervising dentist from liability to the patient for negligent performance by a dental assistant or certified dental assistant.

*AUTHORITY: section 332.031.2, RSMo [1994] **2000**. This rule originally filed as 4 CSR 110-2.120. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 29, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 1—General Rules

PROPOSED RULE

20 CSR 2234-1.010 Definitions

PURPOSE: This rule defines terms used in 20 CSR 2234.

(1) Branch office—Any additional office licensed under the primary office.

(2) Division—Division of Professional Registration.

(3) Employee—

(A) Agency non-investigator employee—An employee of an agency who is not a licensed private investigator and does not directly participate in private investigations; or

(B) Agency investigator employee—An individual licensed and supervised through the licensed agency to conduct private investigations.

(4) Executive director—The designee of the director of the division who is responsible for the management of the day-to-day operations of the board.

(5) Individual—A natural person or legal entity.

(6) Primary office—The principle office of a licensed private investigator agency.

(7) Private investigator-in-charge—The licensed private investigator who is responsible for the activities of a private investigator agency.

(8) Law enforcement officer—A person currently certified under existing peace officer standards and training requirements under Chapter 590, RSMo.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 1—General Rules

PROPOSED RULE

20 CSR 2234-1.020 General Organization

PURPOSE: This rule describes the organization, general methods of administration, and communication concerning the Board of Private Investigator Examiners.

(1) The purpose of the board is to regulate the practice of private investigating concerning the health, safety, and welfare of the inhabitants of this state; to protect the property of the inhabitants of this state from damage or destruction through the dangerous, dishonest, incompetent, or unlawful practice of private investigating; and to implement and sustain a system for the examination and regulation of licensed private investigators and private investigator agencies in this state.

(2) The board shall meet at least once a year. Additional meetings may be held at the discretion of the board; however, the board shall inform the division of those meetings and the notice of the meeting will be posted in compliance with Chapter 610, RSMo.

(3) Each year, the board shall elect a chair and vice-chair. The chair presides at meetings and works with the executive director on coordinating the board's affairs. If the chair is unable to attend a meeting, the vice-chair shall preside at the meeting.

(4) The board shall act through its executive director who is appointed by the director of the Division of Professional Registration. The executive director shall be responsible for keeping the minutes of board proceedings and perform other duties as requested by the board.

(5) A quorum of the board shall consist of a majority of its members.

(6) Board meetings will generally consist of reviewing applications, interviewing applicants, reviewing complaints and inquiries, determining disciplinary actions regarding a licensed private investigator or private investigator business, making recommendations to staff concerning the conduct and management of board affairs, and other board matters.

(7) Unless otherwise provided by statute or regulation, the board shall be generally guided by and conduct its meetings according to *Robert's Rules of Order*.

(8) Any person requiring information, an application, or complaint form involving the practice of private investigating as regulated by the board may contact the board.

AUTHORITY: sections 324.1102 and 324.1138, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately five thousand twenty-three dollars ($5,023) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 1 - General Rules
Proposed Rule - 20 CSR 2234-1.020 General Organization
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$5,023**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to prepare for board meetings, process per diem requests and respond to requests for public information.
2) Expense and equipment costs are incurred for board expenses for preparing board agendas, request for public information, and for board member attendance of the meeting.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 65%	Enforcement - 35%
Personal Service	$2,037	$1,097
Expense & Equipment	$1,228	$661
Transfers	$0	$0
TOTAL	**$3,265**	**$1,758**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 1—General Rules

PROPOSED RULE

20 CSR 2234-1.030 Policy for Release of Public Records

PURPOSE: This rule establishes the policy in compliance with sections 610.010–610.030, RSMo, regarding the release of information on any meeting, records, or vote of the board.

(1) The Board of Private Investigator Examiners is a public governmental body as defined in Chapter 610, RSMo, and adopts the following as its policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements Chapter 610, RSMo, provisions regarding the release of information of any meeting, record, or vote of the board that is not closed under this chapter.

(2) All public records of the Board of Private Investigator Examiners shall be open for inspection and copying by any member of the general public during normal business hours (8 a.m. to 5 p.m. Monday through Friday; holidays excepted) except for those records required or authorized to be closed under section 610.021 or 324.001.8, RSMo, or any other applicable law. All public meetings of the Board of Private Investigator Examiners will be open to the public except for those required or authorized to be closed under section 610.021 or 324.001.8, RSMo, or any other applicable law.

(3) The executive director shall be the custodian of records as required by section 610.023, RSMo. The executive director is responsible for maintaining board records and responding to requests for access to public records.

(4) The board may charge a reasonable fee pursuant to rules promulgated by the board for the cost of researching, inspecting, and copying the records. Charges and payments of the fees shall be based upon the cost for researching and copying records and shall be according to Chapter 610, RSMo.

(5) All fees collected shall be remitted to the Director of Revenue for deposit to the credit of the Board of Private Investigator Examiners Fund.

(6) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the board for inspection by any member of the general public during regular business hours.

AUTHORITY: sections 324.1138, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three thousand five hundred sixteen dollars ($3,516) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 1 - General Rules
Proposed Rule - 20 CSR 2234-1.030 Policy for Release of Public Records
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$3,516

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and verify records.
2) Expense and equipment costs are incurred for board expenses relating to researching, inspecting and copying the records.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 10%
Personal Service	$0	$2,194
Expense & Equipment	$0	$1,323
Transfers	$0	$0
TOTAL	**$0**	**$3,516**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 10% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 1—General Rules

PROPOSED RULE

20 CSR 2234-1.040 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling, and disposition of complaints involving private investigators.

(1) The Division of Professional Registration, in coordination with the Board of Private Investigator Examiners, will receive and process each complaint made against any licensee, unlicensed individual, or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of provisions of sections 324.1100–324.1148, RSMo, or the administrative rules involving private investigators. Any division staff member or board member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints may be mailed or delivered to the following address: Board of Private Investigator Examiners, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, upon information and belief, or reciting information received from other sources.

(3) All complaints shall be made in writing. Oral or telephone communications will not be considered or processed as complaints, but the person making those communications will be asked to supplement such communications with a complaint. Information received in accordance with this section may be reduced to a complaint by the executive director.

(4) Each complaint received under this rule will be logged and maintained by the board. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement concerning the alleged acts or practices; a notation indicating the complaint was closed by the board or a disciplinary action was filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the board.

(5) Each complaint received according to this rule shall be acknowledged in writing. The complainant and the subject of the complaint shall be notified in writing of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority to file a complaint with the Administrative Hearing Commission charging the licensee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a complaint filed with the board.

(7) This rule exists for the benefit of those members of the public who submit complaints to the board. This rule is not deemed to protect or inure to the benefit of those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.1100–324.1148, RSMo.

AUTHORITY: sections 324.1138 and 324.002, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six thousand five hundred thirty dollars ($6,530) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 1 - General Rules
Proposed Rule - 20 CSR 2234-1.040 Complaint Handling and Disposition
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$6,530

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to prepare for receiving complaints, acknowledging receipt of the complaint and logging the complaint into the board's tracking system.
2) Expense and equipment costs are incurred for board expenses relating to logging and maintaining complaints and corresponding with complainants.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 10%	Enforcement - 0%
Personal Service	$4,074	$0
Expense & Equipment	$2,456	$0
Transfers	$0	$0
TOTAL	**$6,530**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 1—General Rules

PROPOSED RULE

20 CSR 2234-1.050 Fees

PURPOSE: This rule establishes and fixes the various fees and charges for the Board of Private Investigator Examiners.

(1) All fees shall be paid by cashier's check, personal check, business check, money order, or other method approved by the division and shall be made payable to the Board of Private Investigator Examiners.

(2) No fee will be refunded should any license be surrendered, suspended, or revoked during the term for which the license is issued.

(3) The following licensure fees are established as follows:

(A) Private Investigator—	
1. Application fee	$500
2. Renewal license fee	$300
3. Renewal penalty fee	$100
4. Fingerprinting Fee	
Amount to be determined by the Missouri State Highway Patrol	
(B) Private Investigator Agency—	
1. Application fee	$400
2. Renewal license fee	$200
3. Renewal penalty fee	$100
4. Additional agency license—initial (one-half (½) of primary office)	$200
5. Additional agency license—renewal (one-half (½) of primary office)	$100
6. Additional agency license—renewal penalty fee	$100
(C) Licensed Agency Investigator Employee—	
1. Application fee	$ 50
2. Renewal license fee	$ 25
3. Renewal penalty fee	$ 25
4. Fingerprinting Fee	
Amount to be determined by the Missouri State Highway Patrol	
(D) Private Investigator Trainers—	
1. Application fee	$200
2. Renewal license fee	$100
3. Renewal penalty fee	$100

(4) The following miscellaneous fees are established as follows:

(A) Continuing education (CE) course review fee	$100
(B) Individual course review fee	$ 10

(5) All fees are nonrefundable.

AUTHORITY: sections 324.1102 and 324.1132, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 2—Private Investigator

PROPOSED RULE

20 CSR 2234-2.010 Application for Licensure—Private Investigator

PURPOSE: This rule outlines the procedure to apply for licensure as a private investigator.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator Examiners.

(2) A completed application for licensure must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) Two (2) copies of a recent photograph of the applicant's head and shoulders (commonly known as passport style) that fairly depict the applicant's appearance;

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri; a Certificate of Insurance issued by an agent is not acceptable;

(E) Proof of workers' compensation insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri (a Certificate of Insurance issued by an agent is not acceptable), or written statement explaining how the applicant's business is not subject to the Workers' Compensation law;

(F) Successful completion of an examination, if applicable; and

(G) Other information the applicant chooses to provide to the board to establish prior experience such as the following:

1. Employee evaluation(s);
2. Letters from subordinate(s) and supervisor(s);
3. Copy of business license(s);
4. Copy of private investigator license(s);
5. Proof of insurance;
6. Copy of advertisements from the previous twenty-four (24) months;
7. Verification of corporation or other filings with secretary of state's office;
8. Copy of vehicle registrations; and/or
9. Three (3) references from clients within the last twenty-four (24) months.

(3) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized,

accompanied by all documents required by the board, and the application fee.

(4) A candidate shall pass the examination within one (1) year of the approval date of the application.

(5) Examination requirements may be waived pursuant to section 324.1110, RSMo.

(6) Applicants seeking reciprocity shall meet the requirements of section (2) or (3) of this rule and provide proof of licensure in another state.

(7) The applicant shall be informed in writing of the decision regarding the application for licensure.

(8) The board may delegate the preliminary review of license applications to the executive director.

AUTHORITY: sections 324.1102, 324.1108, 324.1110, 324.1112, and 324.1114, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand five hundred seventy-one dollars ($4,571) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred seventy thousand forty-eight dollars ($170,048) during the first year of implementation and twenty-one thousand four dollars and eighty cents ($21,004.80) beginning the second year of implementation and continuing annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.010 Application for Licensure - Private Investigator
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$4,571

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 65%	Enforcement – 35%
Personal Service	$2,852	$0
Expense & Equipment	$1,719	$0
Transfers	$0	$0
TOTAL	**$4,571**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 7% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.010 Application for Licensure - Private Investigator
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
400	Private Investigator Applicants (Application Fee @ $400.00)	$160,000.00
400	Private Investigator Applicants (Postage @ $0.44)	$176.00
400	Private Investigator Applicants (Notary @ $2.00)	$800.00
400	Private Investigator Applicants (Photo @ $7.00)	$2,800.00
40	Private Investigator Applicants (Highway Patrol Fingerprinting Fees @ $39.25)	$1,570.00
360	Private Investigator Applicants (Identix @ $12.95)	$4,662.00
400	Private Investigator Applicants (Proof of Liability Insurance Copy @ $0.05/copy)	$20.00
400	Private Investigator Applicants (Proof of Workers Compensation Insurance Copy @ $0.05/copy)	$20.00
	Estimated Cost of Compliance During the First Year of Implementation of the Rule	**$170,048.00**

2nd Year of Implementation of the Rule and Annually Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
40	Private Investigator Applicants (Application Fee @ $500.00)	$20,000.00
40	Private Investigator Applicants (Postage @ $0.44)	$17.60
40	Private Investigator Applicants (Notary @ $2.00)	$80.00
40	Private Investigator Applicants (Photo @ $7.00)	$280.00
4	Private Investigator Applicants (Fingerprinting Fees @ $39.25)	$157.00
36	Private Investigator Applicants (Identix @ $12.95)	$466.20
40	Private Investigator Applicants (Proof of Liability Insurance @ $0.05/copy)	$2.00
40	Private Investigator Applicants (Proof of Workers Compensation Insurance @ $0.05/copy)	$2.00
	Total Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter	**$21,004.80**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The number of applicants estimated was based on the number of individuals who requested their name be added to the mailing list for a licensure application.
2. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 2—Private Investigator

PROPOSED RULE

20 CSR 2234-2.020 Name and Address Changes—Private Investigator

PURPOSE: This rule outlines procedures to be followed for name, address, and telephone number changes.

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall notify the board, in writing, within thirty (30) days of the change and provide a copy of an appropriate document substantiating the name change.

(3) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(4) Changes in telephone numbers and email addresses shall also be reported in the same manner as that described for changes in address.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately eighteen dollars and ten cents ($18.10) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.020 Private Investigator Name and Address Changes
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$653

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and to update the division's licensing system with name and mailing address changes.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 65%	Enforcement – 35%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.020 Name and Address Changes - Private Investigator
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Private Investigator Licensee w/ Name Change (Postage @ $0.44)	$4.40
10	Private Investigator Licensee w/ Name Change (Copy Fee @ $0.05/Copy)	$0.50
10	Private Investigator Licensee w/ Address Change (Postage @ $0.44)	$4.40
10	Private Investigator Licensee w/ Telephone Number Change (Postage @ $0.44)	$4.40
10	Private Investigator Licensee w/ Email Address Change (Postage @ $0.44)	$4.40
	Estimated Annual Cost of Compliance for the Life of the Rule	**$18.10**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on anticipated number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 2—Private Investigator

PROPOSED RULE

20 CSR 2234-2.030 Replacement of Renewal License—Private Investigator

PURPOSE: This rule establishes the procedures for replacing registration certificates.

(1) Licensees whose renewal license is lost, destroyed, or mutilated, or who require replacement as a result of an incorrect address or name change, or who require additional licenses for additional practice locations may obtain a duplicate license, without charge, upon receipt of a statement indicating the need for the duplicate.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seventeen dollars and sixty cents ($17.60) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.030 Replacement of License
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$653

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and update the division's licensing system with data necessary to issue a duplicate license.
2) Expense and equipment costs are incurred for board expenses related to issuing and mailing duplicate licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 65%	Enforcement - 35%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.030 Replacement of License - Private Investigator
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
40	Private Investigator Licensees (Postage @ $0.44)	$17.60
	Estimated Annual Cost of Compliance for the Life of the Rule	**$17.60**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 2—Private Investigator

PROPOSED RULE

20 CSR 2234-2.040 Licensure Renewal—Private Investigator

PURPOSE: This rule establishes licensure renewal requirements for private investigators.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand five hundred seventy-one dollars ($4,571) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three hundred forty-seven thousand seven hundred ninety-three dollars and sixty cents ($347,793.60) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.040 Licensure Renewal - Private Investigator
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$4,571**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries regarding the expiration dates of licenses and verify license status to members of the general public.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 7%	Enforcement - 0%
Personal Service	$2,852	$0
Expense & Equipment	$1,719	$0
Transfers	$0	$0
TOTAL	**$4,571**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 7% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 2 - Private Investigator
Proposed Rule - 20 CSR 2234-2.040 Licensure Renewal - Private Investigator
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
440	Private Investigator Licensees (Renewal Fee @ $300.00)	$132,000.00
440	Private Investigator Licensees (Postage @ $0.44)	$193.60
44	Private Investigator Licensees (Renewal Penalty Fee @ $100.00)	$4,400.00
440	Private Investigator Licensees (Continuing Education @ $30.00/Hour for 16 Hours)	$211,200.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	**$347,793.60**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
2. The office anticipates a biennial increase in the number of licensees renewing their license, however, the office is unable to determine a consistent percentage at this time.
3. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.010 Application for Licensure—Private Investigator Agency

PURPOSE: This rule outlines requirements for a private investigator agency license.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator Examiners.

(2) A completed application for licensure must be typewritten or printed in black ink, signed, and notarized, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) The name of the licensed private investigator-in-charge and designate a primary office in Missouri;

(C) Proof of registration of a fictitious name with the secretary of state;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri. A Certificate of Insurance issued by an agent is not acceptable; and

(E) Proof of workers' compensation insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri, or written statement explaining how the applicant's business is not subject to the Workers' Compensation law. A Certificate of Insurance issued by an agent is not acceptable.

(3) An agency shall not conduct business from any location in Missouri other than that shown on the board's records.

(4) If a private investigator agency maintains a branch office(s), each shall be operated under the same name and license as the primary office and every such place of business shall comply with the provisions of 20 CSR 2234-3.010.

(5) A branch office shall be under the direct supervision of the licensed private investigator-in-charge.

(6) The applicant shall be informed in writing of the decision regarding the application for licensure.

(7) The board may delegate the preliminary review of license applications to the executive director.

AUTHORITY: sections 324.1102, 324.1108, 324.1110, 324.1112, 324.1114, and 324.1132, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand three hundred six dollars ($1,306) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately twenty-one thousand one hundred twenty-four dollars and fifty cents ($21,124.50) during the first year of implementation and three thousand twelve dollars and forty-five cents ($3,012.45) beginning the second year of implementation and continuing annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878 or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.010 Application for Licensure - Private Investigator Agency
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$1,306**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 65%	Enforcement - 35%
Personal Service	$815	$0
Expense & Equipment	$491	$0
Transfers	$0	$0
TOTAL	**$1,306**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.010 Application for Licensure - Private Investigator Agency
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
50	Private Investigator Agency Applicants (Application Fee @ $400.00)	$20,000.00
50	Private Investigator Agency Applicants (Postage @ $0.44)	$22.00
50	Private Investigator Agency Applicants (Copy Fee @ $0.05/copy)	$2.50
50	Private Investigator Agency Applicants (Notary @ $2.00)	$100.00
5	Private Investigator Agency Applicants (Additional Agency License - Initial Application Fee @ $200.00)	$1,000.00
	Estimated Cost of Compliance During the First Year of Implementation of the Rule	**$21,124.50**

2nd Year of Implementation of the Rule and Annually Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Private Investigator Agency Applicants (Application Fee @ $400.00)	$2,000.00
5	Private Investigator Agency Applicants (Postage @ $0.44)	$2.20
5	Private Investigator Agency Applicants (Copy Fee @ $0.05/Copy)	$0.25
5	Private Investigator Agency Applicants (Notary @ $2.00)	$10.00
5	Private Investigator Agency Applicants (Additional Agency License - Initial Application Fee @ $200.00)	$1,000.00
	Estimated Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter	**$3,012.45**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.020 Change of Name, Ownership, Location, or Private Investigator-In-Charge—Private Investigator Agency

PURPOSE: This rule outlines the requirements and procedures for notifying the board of a change of name, ownership, or location of a private investigator agency.

(1) Change of Private Investigator Agency Name.

(A) A written notification of the change of name prior to the effective date of the proposed change shall be submitted to the board along with a copy of any fictitious registration with the secretary of state.

(B) The private investigator agency shall not release any printed materials or advertisements in the new name to the public before notifying the board of the name change.

(C) The license reflecting the name change shall replace the original license and be displayed as required by these rules.

(D) The private investigator agency shall return the license for the former name to the board immediately.

(2) Change of Private Investigator Agency Location.

(A) A private investigator agency shall notify the board in writing within ten (10) days after closing or changing the location of a branch office.

(B) The private investigator agency shall return the license for the former location to the board immediately.

(3) Change of Ownership.

(A) A private investigator agency shall promptly notify the board of his or her intention to cease operations and shall supply the board with the name and mailing address of the new operator, if any. A private investigator agency license is not transferable. A new agency shall submit a completed application as required in 20 CSR 2234-3.010 and obtain a new license before operating the business.

(B) The private investigator agency shall return the license for the former location to the board immediately.

(4) Change of Private Investigator-In-Charge.

(A) A private investigator agency shall notify the board in writing within ten (10) days after a change of the private investigator-in-charge.

(B) The private investigator agency shall return the license for the former private investigator-in-charge to the board immediately.

AUTHORITY: sections 324.1100 and 324.1132, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand three hundred six dollars ($1,306) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two dollars and seventy-four cents ($2.74) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.020 Private Investigator Agency Employee
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$1,306**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 2%	Enforcement - 0%
Personal Service	$815	$0
Expense & Equipment	$491	$0
Transfers	$0	$0
TOTAL	**$1,306**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.020 Change of Name, Ownership, Location or Private Investigator In-Charge - Private Investigator Agency
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Private Investigator Agency w/ Name Change (Postage @ $0.44)	$0.88
2	Private Investigator Agency w/ Name Change (Copy Fee @ $0.05/Copy)	$0.10
2	Private Investigator Agency w/ Address Change (Postage @ $0.44)	$0.88
2	Private Investigator Agency w/ Change of Ownership (Postage @ $0.44)	$0.88
	Estimated Annual Cost of Compliance for the Life of the Rule	**$2.74**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. A private investigator agency license in not transferable. The new owner of an agency must submit a completed application as required in 20 CSR 2234-3.010. Therefore, the costs associated with the new owner are shown in the fiscal note associated with 20 CSR 2234-3.010.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.030 Licensure Renewal—Private Investigator Agency

PURPOSE: This rule establishes licensure renewal requirements for private investigator agencies.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities twelve thousand six hundred twenty-four dollars and twenty cents ($12,624.20) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.030 Private Investigator Agency - Change of Name, Ownership or Location
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$653

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and updating the division's licensing system with name and mailing address changes.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 1%	Enforcement - 0%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.030 Licensure Renewal - Private Investigator Agency
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
55	Private Investigator Agency (Renewal Fee @ $200.00)	$11,000.00
55	Private Investigator Agency (Postage @ $0.44)	$24.20
5	Private Investigator Agency (Renewal Penalty Fee @ $100.00)	$500.00
10	Private Investigator Agency (Additional Agency License - Renewal @ $100.00)	$1,000.00
1	Private Investigator Agency (Additional Agency License - Renewal Penalty Fee @ $100.00)	$100.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	**$12,624.20**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The office anticipates a biennial increase in the number of licensees renewing their license, however, the office is unable to determine a consistent percentage at this time.
2. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.040 Application for Licensure—Licensed Agency Investigator Employee

PURPOSE: This rule outlines the requirements for private investigator agency employees.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator Examiners.

(2) A completed application for licensure must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator agency employee, and must include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) Two (2) copies of a recent photograph of the applicant's head and shoulders (commonly known as passport style) that fairly depict the applicant's appearance;

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and

(D) Other information required by the board.

AUTHORITY: sections 324.1102, 324.1116, and 324.1118, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three thousand two hundred sixty-five dollars ($3,265) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seven thousand five hundred two dollars ($7,502) during the first year of implementation and seven hundred fifty dollars and twenty cents ($750.20) beginning the second year of implementation and continuing annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.040 Licensure Renewal - Private Investigator Agency
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$3,265

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries regarding the expiration dates of licenses and verify license status to members of the general public.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 0%
Personal Service	$2,037	$0
Expense & Equipment	$1,228	$0
Transfers	$0	$0
TOTAL	**$3,265**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.040 Application for Licensure - Licensed Agency Investigator Employee
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
100	Licensed Agency Investigator Employee (Application Fee @ $50.00)	$5,000.00
100	Licensed Agency Investigator Employee (Postage @ $0.44)	$44.00
100	Licensed Agency Investigator Employee (Notary @ $2.00)	$200.00
100	Licensed Agency Investigator Employee (Photo @ $7.00)	$700.00
10	Licensed Agency Investigator Employee (Fingerprinting Fees @ $39.25)	$392.50
90	Licensed Agency Investigator Employee (Identix @ $12.95)	$1,165.50
	Estimated Cost of Compliance During the First Year of Implementation of the Rule	**$7,502.00**

2nd Year of Implementation of the Rule and Annually Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Private Investigator Agency Employee (Application Fee @ $50.00)	$500.00
10	Private Investigator Agency Employee (Postage @ $0.44)	$4.40
10	Private Investigator Agency Employee (Notary @ $2.00)	$20.00
10	Private Investigator Agency Employee (Photo @ $7.00)	$70.00
1	Private Investigator Agency Employee (Fingerprinting Fees @ $39.25)	$39.25
9	Private Investigator Agency Employee (Identix @ $12.95)	$116.55
	Estimated Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter	**$750.20**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.050 Name and Address Changes—Licensed Agency Investigator Employee

PURPOSE: This rule outlines procedures to be followed for name, address, and telephone number changes.

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall notify the board, in writing, within thirty (30) days of the change and provide a copy of an appropriate document substantiating the name change.

(3) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(4) Changes in telephone numbers and email addresses shall also be reported in the same manner as that described for changes in address.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately eighteen dollars and ten cents ($18.10) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.050 Name and Address Changes - Licensed Agency Investigator Employee
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Licensed Agency Investigator Employee w/ Name Change (Postage @ $0.44)	$4.40
10	Licensed Agency Investigator Employee w/ Name Change (Copy Fee @ $0.05/Copy)	$0.50
10	Licensed Agency Investigator Employee w/ Address Change (Postage @ $0.44)	$4.40
10	Licensed Agency Investigator Employee w/ Telephone Number Change (Postage @ $0.44)	$4.40
10	Licensed Agency Investigator Employee w/ Email Address Change (Postage @ $0.44)	$4.40
	Estimated Annual Cost of Compliance for the Life of the Rule	**$18.10**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.060 Replacement of Renewal License—Licensed Agency Investigator Employee

PURPOSE: This rule establishes the procedures for replacing registration certificates.

(1) Licensees whose renewal license is lost, destroyed, or mutilated, or who require replacement as a result of an incorrect address or name change, or who require additional licenses for additional practice locations may obtain a duplicate license, without charge, upon receipt of a statement indicating the need for the duplicate.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately four dollars and forty cents ($4.40) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.060 Replacement of License - Licensed Agency Investigator Employee
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Licensed Agency Investigator Employee (Postage @ $0.44)	$4.40
	Estimated Annual Cost of Compliance for the Life of the Rule	**$4.40**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency

PROPOSED RULE

20 CSR 2234-3.070 Licensure Renewal—Licensed Agency Investigator Employee

PURPOSE: This rule establishes licensure renewal requirements for licensed agency investigator employees.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately thirty-two thousand two hundred twenty-three dollars and forty cents ($32,223.40) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 3 - Private Investigator Agency
Proposed Rule - 20 CSR 2234-3.070 Licensure Renewal - Licensed Agency Investigator Employee
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
110	Licensed Agency Investigator Employee (Renewal Fee @ $50.00)	$5,500.00
110	Licensed Agency Investigator Employee (Postage @ $0.44)	$48.40
11	Licensed Agency Investigator Employee (Renewal Penalty Fee @ $25.00)	$275.00
110	Licensed Agency Investigator Employee (Continuing Education @ $30.00/Hour for 8 Hours)	$26,400.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	**$32,223.40**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The office anticipates a biennial increase in the number of licensees renewing their license, however, the office is unable to determine a consistent percentage at this time.
2. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 4—Private Investigator Trainers

PROPOSED RULE

20 CSR 2234-4.010 Application for License—Private Investigator Trainer

PURPOSE: This rule outlines the procedure and requirements to apply for licensure as a private investigator trainer.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator Examiners.

(2) A completed application for licensure must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator trainer, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) A statement detailing one (1) year of supervisory experience with a private investigator agency, together with any supporting records such as:

1. Employee evaluation; or
2. Letter from a subordinate or supervisor;

(C) A statement of the plan of operation of the training offered by the applicant and the materials and aids to be used; and

(D) Other information required by the board.

AUTHORITY: section 324.1140, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four hundred four dollars and ninety-eight cents ($404.98) during the first year of implementation and two hundred two dollars and forty-nine cents ($202.49) beginning the second year of implementation and continuing annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.010 Private Investigator Trainer Application
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$653

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 1%	Enforcement - 0%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.010 Application for License - Private Investigator Trainer
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Private Investigator Trainer (Application Fee @ $200.00)	$400.00
2	Private Investigator Trainer (Postage @ $0.44)	$0.88
2	Private Investigator Trainer (Notary @ $2.00)	$4.00
2	Private Investigator Trainer (Copy Fee @ $0.05)	$0.10
	Estimated Cost of Compliance During the First Year of Implementation of the Rule	**$404.98**

2nd Year of Implementation of the Rule and Annually Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Private Investigator Trainer (Application Fee @ $200.00)	$200.00
1	Private Investigator Trainer (Postage @ $0.44)	$0.44
1	Private Investigator Trainer (Notary @ $2.00)	$2.00
1	Private Investigator Trainer (Copy Fee @ $0.05)	$0.05
	Estimated Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter	**$202.49**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20 —DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 4—Private Investigator Trainers

PROPOSED RULE

20 CSR 2234-4.020 Trainer Responsibilities—Private Investigator Trainer

PURPOSE: This rule outlines continuing education trainers' responsibilities.

(1) Private investigator trainers may develop and teach continuing education courses without submitting the course for board approval. Although the lesson plan for a course need not be submitted to the board in advance, it shall comply with all of the requirements of any continuing education lesson plan as set forth in Chapter 6.

(2) Private investigator trainers shall:
(A) Promptly submit lesson plans to the board for review upon request and without charge; and
(B) Maintain lesson plans for seven (7) years from the date the lesson plan is last used to teach a course.

(3) Private investigator trainers shall maintain complete and accurate records of course attendance. Although attendance records for a course need not be submitted to the board, they shall comply with all of the requirements of any continuing education attendance record as set forth in Chapter 6. Private investigator trainers shall:
(A) Promptly submit records to the board for review upon request and without charge;
(B) Maintain attendance records for seven (7) years from the date the course is taught;
(C) Promptly provide a certificate of attendance to each person who successfully completes the course in accordance with the lesson plan; and
(D) Promptly provide a duplicate certificate of attendance to any person who successfully completed the course in accordance with the lesson plan.
1. The cost of a duplicate certificate of attendance shall not exceed five percent (5%) of the cost of the course, or five dollars ($5) if there was no fee for the course.

AUTHORITY: sections 324.1138 and 324.1140, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately seven thousand four hundred fifty-five dollars and eighty-eight cents ($7,455.88) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.020 Trainer Responsibilities - Private Investigator Trainer
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Private Investigator Trainer (Postage for Submitting Plans for Review @ $0.44)	$0.88
2	Private Investigator Trainer (Rental of Additional Space @ $35/Month for 24 Months)	$1,680.00
2	Private Investigator Trainer (Certificates of Attendance @ $5.00 for Each Attendee - 550 Licensees)	$5,500.00
55	Private Investigator Licensees and Private Investigator Agency Employees (Duplicate Certificates of Attendance @ $5.00)	$275.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	**$7,455.88**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. The proposed rule requires private investigator trainers to retain records 7 years, therefore, all licensed private investigator trainers will be affected by the proposed rule. The board assumes that private investigator trainers keep paper records versus electronic records. Additional space may be needed for retaining the records. The board anticipates the square footage and cost of retaining records off site is likely comparable to retaining records at an office.
3. Two national storage companies with several locations in Missouri were used to obtain costs estimates. A 5ft × 5ft to 5ft × 10ft climate controlled unit in the Jefferson City area ranges from $32-$37 per month. The rates for St. Louis and Kansas City are within $3 - $5 of the Jefferson City costs. Therefore, the board used an average of $35 per month to calculate this cost to private entities.
4. The number of certificates of attendance is based on the total number of private investigator licensees and the licensed agency investigator employees that are expected to renew in 2012 since all of them will be expected to obtain continuing education in order to renew their license. The board estimates that they will attend an average of two classes to fulfill their requirements which means they will receive two certificates of attendance.
5. The number of duplicate certificates of attendance is based on 10 percent of the total number of certificates of attendance.
6. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 4—Private Investigator Trainers

PROPOSED RULE

20 CSR 2234-4.030 Name and Address Changes—Private Investigator Trainer

PURPOSE: This rule outlines procedures to be followed for name, address, and telephone number changes.

(1) All private investigator trainers licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensed private investigator trainer whose name has changed shall notify the board, in writing, within thirty (30) days of the change and provide a copy of an appropriate document substantiating the name change.

(3) A licensed private investigator trainer whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(4) Changes in telephone numbers and email addresses shall also be reported in the same manner as that described for changes in address.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately forty-nine cents ($0.49) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.030 Private Investigator Trainer Name and Address Changes
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$653**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and to update the division's licensing system with name and mailing address changes.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 65%	Enforcement - 35%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.030 Name and Address Changes - Private Investigator Trainer
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Private Investigator Trainer w/ Name, Address, Telephone Number and/or Email Address Change (Postage @ $0.44)	$0.44
1	Private Investigator Trainer w/ Name Change (Copy Fee @ $0.05/Copy)	$0.05
	Estimated Annual Cost of Compliance for the Life of the Rule	**$0.49**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. For the purposes of this fiscal note, the board estimates that one of the expected 2 private investigator trainers will have a name, address, telephone number, and/or email address change annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 4—Private Investigator Trainers

PROPOSED RULE

20 CSR 2234-4.040 Replacement of Renewal License—Private Investigator Trainer

PURPOSE: This rule establishes the procedures for replacing registration certificates.

(1) A licensed private investigator trainer whose renewal license is lost, destroyed, or mutilated, or who requires replacement as a result of an incorrect address or name change, or who requires additional licenses for additional practice locations may obtain a duplicate license, without charge, upon receipt of a statement indicating the need for the duplicate.

AUTHORITY: sections 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately forty-four cents ($0.44) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.040 Replacement of Renewal License - Private Investigator Trainer
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$653**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries and update the division's licensing system with data necessary to issue a duplicate license.
2) Expense and equipment costs are incurred for board expenses related to issuing and mailing duplicate licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 65%	Enforcement – 35%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.040 Replacement of Renewal License - Private Investigator Trainer
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Private Investigator Trainers (Postage @ $0.44)	$0.44
	Estimated Annual Cost of Compliance for the Life of the Rule	**$0.44**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 4—Private Investigator Trainers

PROPOSED RULE

20 CSR 2234-4.050 Licensure Renewal—Private Investigator Trainer

PURPOSE: This rule establishes licensure renewal requirements for trainers.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensed private investigator trainer of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred fifty-three dollars ($653) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four hundred and one dollars and thirty-two cents ($401.32) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.050 Licensure Renewal - Private Investigator Trainer
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$653**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to answer inquiries regarding the expiration dates of licenses and verify license status to members of the general public.
2) Expense and equipment costs are incurred from board expenses related to requests for public information.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	$407	$0
Expense & Equipment	$246	$0
Transfers	$0	$0
TOTAL	**$653**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 4 - Private Investigator Trainers
Proposed Rule - 20 CSR 2234-4.050 Licensure Renewal - Private Investigator Trainer
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Private Investigator Trainer (Renewal Fee @ $100.00)	$300.00
3	Private Investigator Trainer (Postage @ $0.44)	$1.32
1	Private Investigator Trainer (Renewal Penalty Fee @ $100.00)	$100.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	**$401.32**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
2. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 5—Examination Requirements

PROPOSED RULE

20 CSR 2234-5.010 Examination

PURPOSE: This rule establishes examination requirements.

(1) Applicants not exempt from examination shall present themselves for examination on the date and time and at the place specified by the board.

(A) A private investigator applicant who fails to appear as required by the board shall be deemed to have failed the examination.

(B) Upon written request setting forth a good cause, the board may excuse an applicant's absence, and permit the applicant to sit for the next examination.

(C) An applicant who fails the examination may, upon written application, be granted permission to sit again for the examination.

(D) No person who has twice failed the examination may again seek examination for one (1) year from the date of the last failure.

(2) The following applicants are exempt from examination:

(A) An applicant whose complete application was on file prior to February 28, 2011, and able to show registration for two (2) years of lawful practice within the last five (5) years; and

(B) An applicant eligible under reciprocity and law enforcement officers pursuant to section 324.1146, RSMo.

AUTHORITY: section 324.1110, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three thousand two hundred sixty-five dollars ($3,265) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 5 - Examination Requirements
Proposed Rule - 20 CSR 2234-5.010
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$3,265

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 0%
Personal Service	$2,037	$0
Expense & Equipment	$1,228	$0
Transfers	$0	$0
TOTAL	**$3,265**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 6—Continuing Education Requirements

PROPOSED RULE

20 CSR 2234-6.010 Continuing Education

PURPOSE: This rule outlines the requirements for continuing education courses recognized by the board.

(1) Continuing Education Courses.

(A) Attendance at continuing education courses is required by law to renew private investigator licenses.

(B) Continuing education courses used to satisfy the legal requirements for renewal must be approved by the board. Courses will be reviewed for compliance with the following criteria:

1. The course must be relevant to the practice of private investigation;

2. The course must be described in a lesson plan that includes:

A. The title of the course;

B. The name and qualifications of the instructor;

C. A description of the intended audience;

D. Identification of any prerequisites;

E. Bibliographic identification of source materials;

F. A list of the points of instruction referenced to the source materials;

G. An appendix containing any handouts, audio-visual displays, or other materials used in the delivery of the lesson; and

H. A statement of the hours of credit that will be granted upon completion of the course; not more than one (1) hour's credit for every fifty (50) minutes of instruction time;

3. The course must provide immediate personal interaction between the instructor and the student. Distance learning courses can be approved. Any type of correspondence course, notwithstanding its quality, will not be approved for continuing education credit. The video replay of a course may be approved; however, an instructor who can provide immediate, personal interaction with the student must be present throughout the presentation;

4. A course will not be approved unless the course review fee is paid;

5. Any member of the board or its staff shall be admitted to the course or any part thereof without a fee; however, no continuing education credit will be allowed for attendance under this provision; and

6. The course shall be taught in a facility that is reasonably clean and comfortable consistent with the learning objectives of the course, with appropriate provision or access to facilities for the personal needs of the students and instructors.

(2) Reporting Attendance.

(A) Continuing education providers shall have in place reasonable procedures to record attendance.

1. The board shall be advised of these procedures in the application for approval of a course. Approval of a course may be withheld if the board is not satisfied that the procedures are adequate to accurately record attendance.

2. Attendance records, which need not be individual, shall include the following minimum information:

A. Attendee's name;

B. Attendee's license number;

C. Number of hours of continuing education credit earned;

D. Name of the course;

E. Date of the course; and

F. Board's approval number.

(B) The original, or a true copy, of the attendance record for any continuing education course shall be delivered to the board within two (2) weeks of the conclusion of any presentation of the course.

(C) Any person who successfully completes the course shall be presented with a certificate to that effect within two (2) weeks of the completion of the course. The certificate shall at a minimum state:

1. Attendee's name;

2. Attendee's license number;

3. Number of hours of continuing education credit earned;

4. Name of the course;

5. Date of the course; and

6. Board's approval number.

(3) Course Providers.

(A) Any responsible person may offer continuing education courses.

1. A responsible person is a person who has not violated this board's rules regarding continuing education, or has offered satisfactory assurances to the board that they will not again violate this board's rules regarding continuing education.

2. A responsible person does not claim, advertise, or otherwise make known that he or she is offering a course to private investigators for continuing education until the board has, in fact, approved the course.

3. A responsible person does not discriminate against any person in an illegal manner, and provides reasonable accommodations to those who are legally entitled to accommodations.

4. A person whose license status with this board is denied, revoked, or suspended is not a responsible person for the purposes of this rule; a person whose license status with this board is probationary is not a responsible person under this rule unless the probation order or agreement specifically allows the person to offer continuing education courses.

(B) Private investigator trainers are presumed to be responsible persons and are subject to professional discipline for any violations of the continuing education rules.

1. Private investigator trainers are not required to submit lesson plans to the board except as set out in Chapter 4.

A. Private investigator trainers' course approval numbers are their license number, followed by a dash and a unique identifier selected by the trainer for each course of no more than four characters, i.e., 2008012345-XXXX, where 2008012345 is the license number and XXXX is the unique identifier.

2. Private investigator trainers are not required to submit attendance records to the board except as set out in Chapter 4.

(4) Special Approval of Courses.

(A) Any licensed private investigator may petition the board to approve a particular course that he or she has attended or may attend that is offered by a person who has not complied with this board's continuing education rules.

1. The application shall be accompanied by the individual course review fee.

2. The materials set out in subsection (1)(B) of this rule should accompany the application. If any of the materials set out in subsection (1)(B) of this rule are not available, the applicant may provide supplemental material. The board may decline to approve the course for lack of sufficient information.

3. Proof of attendance, or a proposal for establishing proof of attendance, shall be included with the application.

AUTHORITY: sections 324.1126 and 324.1138, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately nine thousand seven hundred ninety-six dollars ($9,796) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately six thousand eighty-eight dollars ($6,088) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 6 - Continuing Education Requirements
Proposed Rule - 20 CSR 2085-6.010 Continuing Education
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	**$9,796**

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to process and review course applications.
2) Expense and equipment costs are incurred for board expenses relating to corresponding with training course
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 65%	Enforcement - 0%
Personal Service	$6,111	$0
Expense & Equipment	$3,685	$0
Transfers	$0	$0
TOTAL	**$9,796**	**$0**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 15% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 6 - Continuing Education Requirements
Proposed Rule - 20 CSR 2234-6.010 Continuing Education
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
50	Continuing Education Course Providers (Continuing Education Course Review Fee @ $100.00)	$5,000.00
50	Continuing Education Course Providers (Postage to Mail Course Review Request @ 0.44)	$22.00
50	Continuing Education Course Providers (Postage to Mail Attendance Record @ 0.44)	$22.00
100	Private Investigator Licensees and Private Investigator Agency Employees (Individual Course Review Fee @ $10.00)	$1,000.00
100	Private Investigator Licensees and Private Investigator Agency Employees (Postage @ $0.44)	$44.00
	Estimated Annual Cost of Compliance for the Life of the Rule	**$6,088.00**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the executive director's assessment of the total anticipated number of licensees.
2. The costs associated with the requirement for trainers to provide certificates of attendance to all individuals that successfully complete their course are shown on the fiscal note associated with 20 CSR 2234-4.020. Since individuals have the choice to obtain their required continuing education from licensed private investigator trainers or individuals teaching approved courses, the total cost to provide the certificate of attendance will be the same.
3. Private entity costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 7—Code of Conduct

PROPOSED RULE

20 CSR 2234-7.010 Code of Conduct

PURPOSE: This rule establishes the code of conduct for private investigators.

(1) Responsibilities to the Profession.

(A) Cooperation with the board.

1. Private investigators shall timely and truthfully answer all inquires from the board or its staff.

2. A timely response is made without undue delay and in accord with reasonable business practices.

A. A phone call is timely if returned before the end of the tenth day.

B. A response to written correspondence is timely if the response arrives at the board's office by the close of business the tenth day after the date of the correspondence.

3. An initial response to a complaint is timely if received in the board's office before the close of business on the thirtieth day after it is sent to the private investigator and/or private investigator agency.

4. A response is not timely if any material matter known, or which would have been known upon reasonable inquiry, is omitted from the response.

5. A response is truthful if all of the information provided in the response is accurate.

A. A response based on information and belief, made after reasonable inquiry, is truthful.

6. A response setting forth a proper objection to answering the inquiry shall be deemed timely and truthful so long as:

A. There is a reasonable, lawful basis for the objection stated in the response;

B. The response is otherwise timely; and

C. Information not the subject of the objection is included in the response.

(B) Protection of the Profession.

1. Private investigators who are aware of circumstances, or who become aware of circumstances, that would lead a reasonable person to believe another private investigator has or is violating the profession's code of conduct, shall promptly inform the board of the circumstances.

A. Private investigators may consult with the other private investigators regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators need not investigate the conduct of the other private investigators in such circumstances. Reporting the conduct to the board discharges the private investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(C) Aiding Unlicensed Practice.

1. Private investigators shall neither permit nor suffer any person with whom they are associated to practice the profession without being properly licensed.

2. Private investigators shall promptly report to the board any person who appears to be unlawfully practicing the profession without a license.

A. Private investigators may consult with the person who appears to be unlawfully practicing the profession without a license regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators need not investigate the conduct of the person who appears to be unlawfully practicing the profession without a license in such circumstances. Reporting the conduct to the board discharges the private investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(D) Responsibility for Subordinates.

1. Private investigators are responsible for supervising their subordinates, including unlicensed individuals in their employ or with whom they have contracted for services.

2. The private investigator-in-charge of an agency is responsible for supervising subordinates, including unlicensed individuals in the employ of the agency or with whom the agency has contracted for services.

(E) Posting Licenses.

1. Private investigators shall post their license in a place clearly visible at every office from which they regularly do business.

(2) Responsibilities to the Public.

(A) Honesty and Best Efforts.

1. Private investigators shall, to the extent of their abilities, diligently and honestly perform the work for which they have been retained.

2. Private investigators shall not make any material false statement to a client.

3. Private investigators shall not withhold material information from a client.

4. Private investigators shall do business only under the name with which they are licensed by the board.

A. Private investigators may use pseudonyms when professionally appropriate; however, any such pseudonym shall be registered with the board prior to use.

B. Private investigators shall not use a fictitious business name unless it has been registered with the secretary of state pursuant to Chapter 417, RSMo, and a copy of the registration has been delivered to the board.

(B) Business Records.

1. Private investigators shall maintain complete and accurate records of the professional services that they render unless prohibited by written contract, court order, or state or federal statute. A copy of the aforementioned document shall be placed in the file in the place of the original documents. Section 324.1136, RSMo, requires that private investigators maintain records for seven (7) years. The board will deem records containing the following information satisfactory, unless such records are plainly insufficient in the circumstances:

A. Any final report prepared by the private investigator;

B. Field notes, interim reports, correspondence, or other records prepared during an assignment;

C. Any video or audio recordings made during the course of an assignment;

D. Correspondence to and from the client, including billing records; and

E. Accounting records related to an assignment, including vouchers or receipts for expenses billed to the client.

F. Copy shall be maintained in lieu of such documents as prescribed in paragraph 20 CSR 2234-7.010(2)(B)1.

2. Records shall be preserved in such a way that they are reasonably safe from intentional or accidental destruction and degradation.

3. Records of a particular matter need not be stored in a single form or at a single place. All of the components of a record of a particular matter shall be readily accessible, however, for the seven (7)-year period.

A. "Readily accessible" means in a form such that they can be produced within ten (10) days of demand, under ordinary business conditions.

4. Records may be retained for more than seven (7) years, pursuant to agreement with a client or at the private investigator's pleasure.

5. Private investigators who destroy records shall ensure that it is impossible to reconstruct such records.

(C) Financial Integrity.

1. Private investigators shall maintain truthful records of the financial affairs of their business.

2. Private investigators shall not accept anything of pecuniary value, tangible or intangible, without offering a written receipt containing the following information to the person offering the valuable thing:

A. The private investigator's name, license number, and address of record; and

B. A reasonable description of the thing of pecuniary value.

3. Private investigators shall safeguard property of value that comes into their possession, regardless of whether it belongs to a client or a third person.

A. Private investigators shall give written notification to any person whose valuable property has come into their possession, whose name and address are known or reasonably discoverable;

(I) Such notice may be postponed for sound investigative reasons; however, such reasons shall be memorialized in the records of the matter.

B. A private investigator shall turn over the valuable property of another person to the person upon demand, unless there is legal justification to withhold the property.

(I) A private investigator who lawfully withholds property pending payment of a debt or the reasonable costs of obtaining and protecting the property shall not be deemed to have violated this section.

(II) A private investigator may withhold valuable property if there is reasonable doubt as to the owner or who is entitled to possession.

(III) A private investigator may withhold valuable property for which the owner or person entitled to possession is not willing to provide a written receipt.

C. A private investigator shall strictly abide by the unclaimed property law of Missouri, or other state that has jurisdiction over the property.

(D) Insurance.

1. Private investigators shall maintain insurance of the same type and quantity required to obtain a license in full force and effect during the license period.

2. Private investigators may, at their will and pleasure, change insurance providers; however, they shall not have a gap in coverage.

3. Private investigators who were not required to have workers' compensation insurance at the time that they were licensed shall obtain such insurance if they subsequently become subject to the Workers' Compensation law, and maintain such insurance in full force and effect during the license period.

(E) Compliance with the Law.

1. Private investigators shall obey all criminal laws—federal, state, and local.

A. "Criminal laws" include the penal ordinances and regulations of political subdivisions of a state or the agencies of the federal government.

2. Private investigators shall conform their conduct to the expectations of an ordered society:

A. Private investigators shall not commit intentional torts.

B. Private investigators shall not cause injury to others through negligence or reckless behavior.

3. The burden of proving justification or excuse for any violation of this section shall be upon the private investigator.

AUTHORITY: section 324.1138, RSMo Supp. 2008. Original rule filed June 26, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately seven thousand thirty-three dollars ($7,033) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seven hundred seven thousand six hundred twenty-five dollars to one million five hundred eighty-eight thousand five hundred dollars ($707,625–$1,588,500) during the first year of implementation and seven hundred seventy-eight thousand three hundred eighty-seven dollars and fifty cents to one million seven hundred forty-seven thousand three hundred fifty dollars ($778,387.50–$1,747,350) beginning the second year of implementation and continuing annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Private Investigator Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 7 - Code of Conduct
Proposed Rule - 20 CSR 2085-7.010 Code of Conduct
Prepared April 30, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Private Investigator Examiners	$7,033

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

1) Personal service costs are incurred for staff time to conduct inspections and investigations.
2) Expense and equipment costs are incurred for board expenses relating to inspections and investigations.
3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 65%	Enforcement – 35%
Personal Service	$0	$4,387
Expense & Equipment	$0	$2,645
Transfers	$0	$0
TOTAL	**$0**	**$7,033**

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Private Investigator Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of individuals who requested their name be added to the mailing list for a licensure application. In the future, the office will base on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 65% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 35% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
$62,678	65% Licensure	$40,741
$62,678	35% Enforcement	$21,937

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
$37,790	65% Licensure	$24,564
$37,790	35% Enforcement	$13,227

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
$0	65% Licensure	$0
$0	35% Enforcement	$0

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2234 - Board of Private Investigator Examiners
Chapter 7 - Code of Conduct
Proposed Rule - 20 CSR 2234-7.010 Code of Conduct
Prepared December 15, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
450	Private Investigators and Private Investigator Agencies (Rental of Additional Space @ $35/Month for 12 Months)	$189,000.00
450	Private Investigators and Private Investigator Agencies (Liability Insurance @ $500/Year)	$225,000.00
450	Private Investigators and Private Investigator Agencies (Workers' Compensation Insurance @ $25,000 - $100,000/Year ÷ 100 × $2.61 = $652.50 - $2,610 Premium/Year)	$293,625.00 - $1,174,500.00
	Estimated Cost of Compliance During the First Year of Implementation of the Rule	**$707,625.00 - $1,588,500.00**

2nd Year of Implementation of the Rule and Annually Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
495	Private Investigators and Private Investigator Agencies (Rental of Additional Space @ $35/Month for 12 Months)	$207,900.00
495	Private Investigators and Private Investigator Agencies (Liability Insurance @ $500/Year)	$247,500.00
495	Private Investigators and Private Investigator Agencies (Workers' Compensation Insurance @ $25,000 - $100,000/Year ÷ 100 × 2.61 = $652.50 - $2,610 Premium/Year)	$322,987.50 - $1,291,950.00
	Estimated Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter	**$778,387.50 - $1,747,350.00 With an Estimated Annual Increase of 10%**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees affected was based on the anticipated number of licensees.
2. The proposed rule requires that private investigators maintain complete and accurate records of the professional services that they render for 7 years, therefore, all licensed private investigators will be affected by the proposed rule. The board assumes that private investigators keep paper records versus electronic records. Additional space may be needed for retaining the records. The board anticipates the square footage and cost of retaining records off site is likely comparable to retaining records at an office, therefore, the total current licensee count was used in calculating this fiscal note.
3. Two national storage companies with several locations in Missouri were used to obtain costs estimates. A 5 ft × 5 ft to 5 ft × 10 ft climate controlled unit in the Jefferson City area ranges from $32-$37 per month. The rates for St. Louis and Kansas City are within $3 - $5 of the Jefferson City costs. Therefore, the board used an average of $35 per month to calculate this cost to private entities.
4. The number of certificates of attendance is based on the total number of private investigator licensees and the licensed agency investigator employees that are expected to renew in 2012 since all of them will be expected to obtain continuing education in order to renew their license. The board estimates that they will attend an average of two classes to fulfill their requirements which means they will receive two certificates of attendance.
5. The board's estimates regarding the liability insurance is based on average costs obtained from several insurance companies.
6. The board's estimates regarding the workers' compensation insurance were obtained from the National Council on Compensation and Insurance. The rate for private investigators is $2.61. The annual payroll divided by 100 multiplied by the rate will give the annual premium for workers' compensation.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 1—Organization

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.020 and 213.030, RSMo 2000 and section 536.023, RSMo Supp. 2008, the commission amends a rule as follows:

8 CSR 60-1.010 General Organization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 763). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.075, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-2.065 Pleadings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 763–764). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.075, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-2.130 Continuances **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 764–765). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.075, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-2.150 Evidence **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 765). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.075, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-2.200 Post-Hearing Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 765). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030, 213.075, and 213.085, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-2.210 Orders **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 765–766). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.040, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-4.015 Inquiries Regarding Persons with Disabilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 766). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030 and 213.040, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-4.020 Reasonable Modifications of Existing Premises **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 766). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

ORDER OF RULEMAKING

By the authority vested in the Commission on Human Rights under sections 213.030, 213.070, and 213.075, RSMo 2000, the commission amends a rule as follows:

8 CSR 60-4.030 Prohibited Coercion and Retaliation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2009 (34 MoReg 766–767). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-5.570 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 3, 2009 (34 MoReg 199–204). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received fifty-two (52) comments from four (4) sources: the U.S. Environmental Protection Agency (EPA), Anheuser-Busch, Inc., the City of St. Louis Air Pollution Control Program (SLAPCP), and the Regulatory Environmental Group for Missouri (REGFORM).

COMMENT #1: The EPA requested that an emissions and feasibility analysis which describes how the department determined that the emissions limits represent Reasonable Available Control Technology (RACT) and how the department determined that the compliance dates in the rule provide for compliance as expeditiously as practicable be submitted. EPA recommended that the analysis address all of the applicable completeness requirements contained in 40 CFR part 51, Appendix V, Section 2.2 Technical Support. These requirements include paragraph 2.2(i), economic and technological justifications, which would encompass the RACT analysis described above.
RESPONSE: The department's Air Pollution Control Program will provide EPA with an emissions and feasibility analysis when the rule is submitted to EPA for inclusion in the Missouri State Implementation Plan. No wording changes have been made to the proposed rule as a result on this comment.

COMMENT #2: EPA commented that the compliance date for installation of control technologies provided in subsection (1)(C) is past the due date outlined in EPA guidance provided to the state. The date of compliance should be no later than one (1) year prior to the 2010 attainment date.
RESPONSE: EPA published a *Federal Register* Notice (FRN) titled Clean Air Fine Particle Implementation Rule on April 25, 2007, making state implementation plans due April of 2008. The rule was written to provide the implementation requirements for states required to develop plans addressing the $PM_{2.5}$ (fine particles 2.5 micrometers in diameter and smaller) standard. A determination of RACT for sources in the nonattainment area is a requirement of this rule to control precursors of $PM_{2.5}$. During the development of this rulemaking, several RACT stakeholder meetings were held, the first being in August of 2007. These meetings continued periodically throughout the rulemaking process which began in April of 2008. The department's rulemaking process can take up to eighteen (18) months to complete before a rule becomes effective. This does not include the time to implement a stakeholder workgroup process. Although EPA guidance suggests that the compliance date should be no later than one (1) year prior to the 2010 attainment date of April, 2010, this date is impracticable to meet because of the delay in EPA finalizing their implementation rule, the time frame for the department rulemaking process, and the time needed for those subject to the rule to comply. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT #3: EPA recommended that, if the twenty-five (25) ton per year (tpy) sulfur dioxide (SO_2) emission cutoff exemption in paragraph (1)(D)4. is justified, based on the department's emissions and feasibility analysis, then a sentence should be added at the end of this paragraph stating that to the extent such demonstration relies on pollution control equipment or operational controls, such controls must be enforceable.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, rule language has been changed to make enforceable the use of control equipment or operational controls for installations relying on them to meet the twenty-five (25) tpy exemption.

COMMENT #4: EPA commented that paragraph (1)(D)6. indicates that if a unit exceeds the low emitter threshold of twenty-five (25) tpy, then the exemption no longer applies unless the source can demonstrate it was operating under an emergency or other circumstances out of their control. The rule should describe what types of events qualify as emergencies so that sources are aware of what events constitute an emergency.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (1)(D)6. has been amended to add language describing events that would qualify as emergencies.

COMMENT #5: EPA commented that, presuming that all affected boilers were included when establishing the facility-wide SO_2 limit in subsection (1)(E), the individual boilers should be specifically named in the rule so there is no confusion on how to determine compliance. Also, the rule should make clear whether retirement or curtailment of units included in the base rate can be counted towards compliance with the RACT rule.
RESPONSE: The intent of the facility-wide limit in original subsection (1)(E) is to offer flexibility in reporting and provide an overall SO_2 emission limit for the facility. This overall emission limit corresponds to the department's Air Pollution Control Program's findings for RACT. The retirement or curtailment of units does not have any impact on the RACT finding for this facility. No wording changes have been made to the rule as a result on this comment.

COMMENT #6: EPA recommends revision of the one hundred eighty (180)-consecutive-day criterion in the definition of temporary boiler in subsection (2)(B) and instead considers a boiler permanent if it remains in one (1) location for one hundred (180) days during any three hundred sixty-five (365)-day period.
RESPONSE AND EXPLANATION OF CHANGE: The definition of temporary boiler in original section (2) has been revised as recommended by this comment.

COMMENT #7: EPA commented that paragraph (3)(A)1. incorporates EPA Reference Methods as of December 1971. Since substantial improvements have likely been made to test methods since 1971, the department should consider updating the *Code of Federal Regulation* (CFR) references throughout this rule to the latest CFR version available.
RESPONSE: After review of the CFR Methods 6, 6A, 6B, and 6C, it has been verified that December 1971 is the most current reference date. Therefore, no wording changes have been made to the rule as a result of this comment.

COMMENT #8: EPA requested that paragraph (3)(A)2. be amended to clarify what is meant by the phrase compliance with this paragraph.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, original paragraph (3)(A)2. has been revised to clarify that compliance with American Society for Testing and Materials (ASTM) standards is the intent.

COMMENT #9: EPA commented that, if the vendor certification option in paragraph (3)(A)2. is retained, the rule should either be limited to the use of single, non-blend fuels or require that fuel sampling and analysis be performed on the multi-blend composite on an as-fired basis. They also recommended that 40 CFR 60.45B and 60.47B and 60.49B be used for guidance in clarifying the rule.
RESPONSE AND EXPLANATION OF CHANGE: Different vendors and batches of coal can and do have distinct heating values and sulfur contents and, therefore, original paragraph (3)(A)2. in the rule includes compliance demonstration requirements for the different batches of coal an installation receives and vendor certification requirements that could be used. Using the procedures in original paragraph (3)(A)2., the vendor can verify coal information in the same manner as on-site installation testing of each batch of incoming coal. As a result of this comment, original rule paragraph (3)(A)2. has been revised to clarify the use of ASTM procedures and additional language was added requiring an installation to provide monthly individual verification of solid fuels from all vendors.

COMMENT #10: EPA does not view subsection (3)(B) as an alternative method and suggests renaming it as Measurements for Multi-Unit and Multi-Fuel Installations.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the title for original subsection (3)(B) has been changed to Measurements for Multi-Unit and Multi-Fuel Installations.

COMMENT #11: EPA commented that subsection (3)(B) suggests that the optional methods apply only to boilers not controlling SO_2 emissions through the use of flue gas desulphurization (FGD) or sorbent injection. However, if a boiler is equipped with such controls, presumably one (1) of the monitoring options in subsection (3)(C) would be used to document compliance. Because of the potential for significant, short-term variability in the inlet sulfur concentration of coal and in the performance of sorbent injection or FGD, the use of annual stack tests would provide little useful information to determine compliance. As a consequence, EPA recommends adding rule language that requires the exclusive use of a continuous emission monitoring system (CEMS) or other method designed to measure SO_2 emissions on a frequency consistent with the thirty (30)-day averaging period, to document compliance for units that reduce emissions through the use of add-on or add-in control technology.
RESPONSE AND EXPLANATION OF CHANGE: As EPA recommended, original subsection (3)(C) rule language has been changed to require boilers equipped with FGD or sorbent inject controls to use a CEMS to monitor compliance.

COMMENT #12: EPA commented that paragraph (3)(B)1. and subparagraph (3)(B)2.D. limits units firing multiple solid, liquid, or gaseous fuels to the higher emission rate for that type of fuel. This limitation seems unnecessary if the source is sampling and analyzing fuel content and measuring fuel use in accordance with the rule (or otherwise using CEMS to document compliance). The equation in paragraph (3)(B)1. could be revised by summing the terms in each set of parenthesis to allow for a more representative calculation of actual emissions. Similarly, the equation in subparagraph (3)(B)2.D. could be revised by summing each individual fuel K factor. In both cases, the equation mass balance approach should be adequate to verify compliance as long as the source conducts comprehensive fuel sampling and analysis and maintains the appropriate records.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the formulas in original paragraph (3)(B)1. and original subparagraph (3)(B)2.D. have been changed to represent a more accurate calculation of SO_2 emissions, and the note pertaining to firing multiple solid, liquid, or gaseous fuels simultaneously following these formulas has been removed. The ASTM procedures in original paragraph (3)(A)2. can be used to retrieve the necessary information in the revised formulas. The installation would be required to track the monthly throughput of each fuel used and this would include different batches of coal.

COMMENT #13: EPA commented that the term facility is used throughout the rule but this term has not been defined. Therefore, they recommend the use of the term installation or other appropriate term which is defined in the rules.
RESPONSE AND EXPLANATION OF CHANGE: As EPA recommended, the term facility has been replaced with installation throughout this rule and the definition of the term installation is defined in rule 10 CSR 10-6.020, which is referenced in section (2).

COMMENT #14: EPA recommended that subparagraph (3)(C)1.B. be clarified to state that Appendix F applies whether or not the source is subject to a New Source Performance Standard (NSPS).
RESPONSE AND EXPLANATION OF CHANGE: As EPA recommended, original subparagraph (3)(C)1.B. has been amended to state that Appendix F applies whether or not the source is subject to a NSPS.

COMMENT #15: In order to ensure consistency with EPA guidance, EPA recommends revising the text in paragraph (3)(C)2., to include approval by EPA as well as the director for alternate monitoring procedures and plans.
RESPONSE AND EXPLANATION OF CHANGE: As EPA recommended, original paragraph (3)(C)2. has been amended to require EPA approval for alternate monitoring procedures and plans.

COMMENT #16: EPA commented that annual testing, by itself, would not be sufficient to determine if a facility meets an emissions rate based on a thirty (30)-day rolling average. Therefore, paragraph (3)(C)3. should be combined with paragraph (3)(C)2., so that annual testing is utilized in conjunction with the other ongoing compliance methods.
RESPONSE AND EXPLANATION OF CHANGE: In response to this comment and after review of the testing requirements, the test requirements in original paragraphs (3)(C)1. or 2. would be sufficient. Sources that conduct comprehensive fuel sampling and analysis and maintain these appropriate records would no longer be required to perform an initial performance test and annual testing as described in original paragraph (3)(C)3. because they are already doing a conservative worst case scenario for SO_2 analysis. Therefore, original paragraph (3)(C)3. has been removed.

COMMENT #17: Paragraph (4)(A)1. requires submission of calculation and record keeping procedures to demonstrate a correlation with ASTM or Appendix A operating parameters. EPA suggested that paragraph (4)(A)1. be clarified by referring to Appendix A reference method results rather than operating parameters. In addition, EPA recommended that the 1971 incorporation by reference date for Appendix A should either be removed or updated to the latest CFR date to assure that the most modern test procedures are being used. They also commented that this paragraph should specify a deadline by which the procedures manual must be submitted to the department.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term operating parameters has been replaced with the term reference method results and a February 15 deadline was added to this paragraph. After review of 40 CFR part 60, Appendix A, it has been verified that December, 1971 is the most current reference date and, therefore, no changes were made to the reference date.

COMMENT #18: EPA commented that paragraph (4)(A)2. should be revised to require an annual report to be submitted whether the source demonstrates compliance or not.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (4)(A)2. has been amended to require an annual report regardless of whether sources demonstrate compliance.

COMMENT #19: EPA recommended that subparagraphs (4)(A)2., 3., and 4. be amended to indicate a specific deadline by which reports are due (e.g., February 15 following the end of the initial compliance period, e.g. 12/31/2011, and then by, e.g., February 15, for each year following) unless the affected unit is also subject to an NSPS.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraphs (4)(A)2., (4)(A)3., and (4)(A)4. have been revised to add a specific deadline when reports are due for the initial compliance period and each compliance period thereafter. Rule language is also included to clarify that if an affected unit is subject to an NSPS then those reporting deadlines apply.

COMMENT #20: EPA suggested that paragraphs (4)(A)2. and 3. refer to affected units rather than control units so it is clear that the record keeping and reporting requirements also apply to units without add-on or add-in controls.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraphs (4)(A)2. and (4)(A)3. have been changed to refer to affected units rather than control units.

COMMENT #21: EPA recommended that paragraph (4)(A)3. be carefully worded to ensure that the affected source provides information for each fuel burned; in particular, if fuel sampling and analysis is not required on an as-fired basis. This would provide sufficient information for the department to verify compliance.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the definitions of solid fuel, gaseous fuel, and liquid fuel have been added to section (2) and paragraph (4)(A)3.B. has been amended to provide sufficient information for verifying compliance.

COMMENT #22: EPA recommended requesting excess emission reports for all affected units in paragraph (4)(A)4. or an explanation of why only units maintaining CEMS are requested to submit an excess emissions monitoring system performance report.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (4)(A)4. has been changed to require excess emissions reports for all affected units.

COMMENT #23: EPA suggests that the department clarify subsection (4)(B) in the rule as to whether a source can wait until the end of the year to pull together the daily records and how often the thirty (30)-day rolling averages need to be calculated. They recommended that the rule require affected units to true-up their daily records no later than thirty (30) days following the end of each calendar month.
RESPONSE AND EXPLANATION OF CHANGE: Subsection (4)(B) has been revised to clarify when affected units daily records, reports, and averaging data are to be made available.

COMMENT #24: Paragraphs (4)(B)12. and 13. require an affected unit to maintain records of their daily SO_2 emission rates. These paragraphs should also clarify that the source must also calculate and keep records of the thirty (30)-day rolling averages so that an inspector can simply verify that the limit is being met.
RESPONSE AND EXPLANATION OF CHANGE: Paragraphs (4)(B)12. and (4)(B)13. have been changed to clarify that installations will maintain records of the thirty (30)-day rolling averages for inspector review.

COMMENT #25: EPA commented that subsection (5)(G) should be revised to include EPA pre-approval as well as department pre-approval of any other alternate emission estimation methods.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (5)(G) has been amended to require EPA's pre-approval along with the department's pre-approval of any other alternate emission estimation method.

COMMENT #26: Anheuser-Busch, Inc. commented that a plant-wide twelve (12)-month rolling SO_2 cap would offer the installation maximum flexibility to meet SO_2 emission reductions.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, original subsection (1)(E) has been amended to replace the thirty (30)-day period emission rate with a twelve (12)-month rolling SO_2 cap.

COMMENT #27: Anheuser-Busch, Inc. requested to be exempted from 10 CSR 10-6.260, Restriction of Emission of Sulfur Compounds since the installation will now have a plant-wide cap to meet SO_2 emissions. This would also reduce double reporting for SO_2.
RESPONSE: Anheuser-Busch, Inc. will be exempt from the SO_2 requirements in part (3)(C)3.B.(I) of rule 10 CSR 10-6.260 since their SO_2 emissions will be less than two and three-tenths (2.3) pounds per million British thermal units when in compliance with rule 10 CSR 10-5.570. However, they are still subject to the SO_2 requirements in subparagraph (3)(C)2.A. of rule 10 CSR 10-6.260. Therefore, no wording changes have been made as a result of this comment.

COMMENT #28: Anheuser-Busch, Inc. requested that subparagraph (3)(B)2.D. be changed to reflect a twelve (12)-month rolling instead of a thirty (30)-day rolling average period. They also commented that thirty (30)-day SO_2 emissions in pounds be changed to monthly SO_2 emissions in tons to correspond with the formula for the average weighted SO_2 emissions in tons.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, original subparagraph (3)(B)2.D. has been amended from a thirty (30)-day rolling average to a twelve (12)-month rolling average along with amending the thirty (30)-day SO_2 emissions to monthly SO_2 emissions with units of tons.

COMMENT #29: Anheuser-Busch, Inc. requested that paragraph (3)(B)1. and subparagraph (3)(B)2.C. be changed to reflect a monthly instead of a thirty (30)-day period for the emissions rate and rolling average to be consistent with the monthly period for installations subject to subsection (1)(E).
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the thirty (30)-day emission rate and rolling average has been changed to a monthly emission rate and rolling average.

COMMENT #30: Anheuser-Busch, Inc. requested that subparagraph (3)(A)2.B. be clarified so that if the installation opts for vendor certification, then the sulfur content of the fuel would be determined on a monthly basis.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, original subparagraph (3)(A)2.B. has been changed.

COMMENT #31: Anheuser-Busch, Inc. requested that paragraph (4)(A)1. be amended so that only installations subject to subsection (1)(B) submit calculation and record keeping procedures based on ASTM and 40 CFR part 60, Appendix A reference method results.
RESPONSE: Paragraph (4)(A)1. is applicable to all installations meeting the requirements of the rule. Therefore, no wording changes have been made to the rule.

COMMENT #32: Anheuser-Busch, Inc. requested that paragraph (4)(A)2. be changed to reflect both a twelve (12)-month rolling tonnage and twelve (12)-month rolling average instead of a thirty (30)-day rolling average annual report due ninety (90) days after the end of the previous calendar year.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (4)(A)2. has been changed to add twelve (12)-month rolling tonnage and rolling average reports.

COMMENT #33: Anheuser-Busch, Inc. requested that subsection (4)(B) be changed to reflect that an owner or operator of an affected unit keep records for each month the unit is operated, and not daily.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (4)(B) has been changed to require monthly records.

COMMENT #34: Anheuser-Busch, Inc. requested that paragraphs (4)(B)8., (4)(B)9., (4)(B)10., (4)(B)11., and (4)(B)12., be changed so units complying with the emission rate limitation maintain records on a monthly as opposed to daily basis.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraphs (4)(B)8., (4)(B)9., (4)(B)10., (4)(B)11., and (4)(B)12. have been changed to require monthly records.

COMMENT #35: Anheuser-Busch, Inc. requested the note following the formula in paragraph (3)(B)1. and subparagraph (3)(B)2.D. be removed.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the note has been removed as requested.

COMMENT #36: Anheuser-Busch, Inc. commented that paragraph (3)(C)3. be amended and apply only to units choosing paragraph (3)(A)1. as a measurement method.
RESPONSE AND EXPLANATION OF CHANGE: As addressed in response to Comment #16, original paragraph (3)(C)3. has been removed.

COMMENT #37: Anheuser-Busch, Inc. requested that annual reports required in paragraph (4)(A)3. be submitted within ninety (90) days after the end of the previous calendar year.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment and Comment #19, due dates for annual report submittals have been included in paragraph (4)(A)3.

COMMENT #38: Anheuser-Busch, Inc. requested that in paragraphs (4)(B)3., (4)(B)4., and (4)(B)5. that only affected units equipped with control devices be required to maintain records of the number of hours the unit is operated each day including startups, shutdowns, malfunctions, the type and duration of maintenance, the date and results of each emissions inspection, and a summary of any emissions corrective maintenance taken.
RESPONSE: Paragraphs (4)(B)3., (4)(B)4., and (4)(B)5. are applicable to all installations meeting the requirements of the rule and are necessary to demonstrate compliance. Therefore, no wording changes have been made to the rule.

COMMENT #39: Anheuser-Busch, Inc. requested in subsection (4)(B) that units complying with the limit in subsection (1)(E) be required to only maintain records of the amount of each fuel consumed per emission unit on a monthly basis, the average percent sulfur for each fuel used per emissions unit on a monthly basis, and the emissions in tons of SO_2 for each unit on a monthly basis.
RESPONSE: Records maintained for the amount of each fuel consumed per emission unit on a monthly basis is addressed in paragraph (4)(B)9. for all units. Records maintained for the average percent sulfur for each fuel used per emissions unit on a monthly basis is addressed in paragraph (4)(B)11. for all units. Records maintained for the emissions of SO_2 for each affected unit in tons is addressed in paragraph (4)(B)13. Subsection (4)(B) identifies reporting requirements in addition to those in paragraphs (4)(B)9., (4)(B)11., and (4)(B)13. which are required for affected units. Therefore, all the reporting requirements in subsection (4)(B) are required if applicable. Therefore, no wording changes have been made to the rule.

COMMENT #40: Anheuser-Busch, Inc. requested that in paragraph (4)(B)13. that units complying with the limit in subsection (1)(E) be required to maintain records of emissions in tons of SO_2 for each unit on a monthly basis and not the daily emission rate in tons SO_2 per one thousand (1,000) barrels of beer packaged.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (4)(B)13. has been changed as requested. At the same time, original subsections (1)(B) and (1)(E) have been relocated to section (3) since the requirements are general provision requirements rather than applicability requirements.

COMMENT #41: Anheuser-Busch, Inc. commented that in subparagraph (4)(A)3.B. that reporting the quantity of beer packaged is no longer needed. Anheuser-Busch, Inc. also commented that paragraph (4)(B)14. is no longer needed.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment subparagraph (4)(A)3.B. has been amended and paragraph (4)(B)14. has been removed.

COMMENT #42: Anheuser-Busch, Inc. commented that in subsection (3)(A) an installation can perform measurements from either paragraph (3)(A)1. or (3)(A)2.
RESPONSE AND EXPLANATION OF CHANGE: The intent of original subsection (3)(A) is to utilize either original paragraph (3)(A)1. or (3)(A)2. as a single unit measurement for compliance. As a result of this comment, original subsection (3)(A) has been amended to clarify the intent of the rule.

COMMENT #43: Anheuser-Busch, Inc. requested that in paragraph (3)(A)2. vendor certification be used to determine only the sulfur content of each fuel on a monthly basis.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the text in original paragraph (3)(A)2. has been amended to reference heating value determinations only if needed.

COMMENT #44: Anheuser-Busch, Inc. suggested some administrative typing and wording updates throughout the rule.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, minor typing and wording adjustments have been made to the rule.

COMMENT #45: Anheuser-Busch, Inc. commented that in paragraph (3)(A)2. an installation be required to obtain vendor certification of only the sulfur content of each fuel combusted during the month and that vendor certification not be required for low sulfur fuels.
RESPONSE: If an installation selects vendor certification for compliance or non-compliance, low sulfur fuels will not be exempt from this certification. Therefore, no wording changes have been made to the rule.

COMMENT #46: Anheuser-Busch, Inc. commented that the definition of industrial boiler, commercial/institutional boiler, process heater, low sulfur fuels, and mmBTU should be added to section (2).
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, definitions for industrial boiler, commercial/institutional boiler, and process heater have been added to section (2). The term low sulfur fuels is not used anywhere throughout the rule and the term mmBTU is interpreted in subsection (1)(A). Therefore, no wording changes for these two (2) definitions have been made.

COMMENT #47: Anheuser-Busch, Inc. commented that in paragraph (3)(A)2. vendor certification should be secured with the methods outlined in this paragraph.
RESPONSE AND EXPLANATION OF CHANGE: Original paragraph (3)(A)2. has been revised to address this comment and more details of the reason are in the response to Comment #9.

COMMENT #48: Anheuser-Busch, Inc. commented that an additional paragraph following paragraph (3)(A)2. should be added to allow an alternative compliance plan or procedure approved by the director.
RESPONSE: The compliance methods specified in original paragraphs (3)(A)1. and (3)(A)2. are proven methods for measuring fuel characteristics. During the stakeholder process an alternative method was not identified in addition to those listed in original subsection (3)(A). Without having a specific alternative method identified, accommodation can not be made in this subsection. If another viable alternative method to measure fuel characteristics is identified in the future, it could be considered for inclusion into the rule as an amendment. Therefore, no wording changes have been made to the rule at this time.

COMMENT #49: Anheuser-Busch, Inc. commented that, in paragraph (4)(A)2., a time frame should be added for submitting annual reports.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (4)(A)2. has been revised to add a specific deadline when reports are due.

COMMENT #50: Anheuser-Busch, Inc. commented that relocating and grouping several paragraphs throughout the rule would make the rule easier to read.
RESPONSE: The department's Air Pollution Control Program understands this concern and does appreciate the comment. However, in reviewing the rule, it was determined no further reorganization was necessary. Therefore, no wording changes have been made to the rule regarding this comment.

COMMENT #51: The SLAPCP commented that they support the adoptions of the proposed rule as presented. SLAPCP believes the exemptions are appropriate and endorse the reduction of SO_2 emissions from large sources in the City of St. Louis.
RESPONSE: The department appreciates the City of St. Louis Department of Health, Air Pollution Control's supportive comments on the proposed rulemaking. No changes have been made to the rule text as a result of this comment.

COMMENT #52: REGFORM commented that they appreciate the process that was used and the department's Air Pollution Control Program's ability to reach out and work with interested RACT parties in order to collaboratively solve issues concerning air pollution. They commend the program on this process.
RESPONSE: The department appreciates REGFORM's supportive comments on the proposed rulemaking. No changes have been made to the rule text as a result of this comment.

10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers

(1) Applicability. This rule shall apply to all applicable installations located in the counties of Franklin, Jefferson, St. Charles, St. Louis, and the City of St. Louis.

(B) Installations affected by this rule shall be in compliance no later than December 31, 2010.

(C) The types of boilers and process heaters listed in paragraphs (1)(C)1. through 5. of this rule are not subject to this rule.

1. Any unit subject to and in compliance with the Phase II Acid Rain program (40 CFR 96 subpart AAA).

2. A boiler or process heater that is used specifically for research and development. This does not include units that only provide heat or steam commercially to a process at a research and development installation.

3. Temporary boilers as defined in section (2) of this rule.

4. Any unit under subsection (1)(A) of this rule which demonstrates, using the emission estimation methods outlined in section (5) of this rule, that the unit's mass SO_2 emissions are twenty-five (25) tons or less during the calendar year. To the extent such demonstration relies on pollution control equipment or operational controls, such controls must be enforceable.

5. Boilers that exclusively burn natural gas, liquefied petroleum (LP) gas, and/or fuel oil number two (2) with less than five-tenths percent (0.5%) sulfur, at the option of the installation.

6. Loss of exemption. If the exemption limit in paragraph (1)(C)4. of this rule is subsequently exceeded, the exemption shall no longer apply and the owner or operator must notify the staff director or designee within thirty (30) days of such event. If the owner or operator can demonstrate to the staff director or designee that the exemption limit was exceeded due to emergency operations or uncontrolled circumstances, the exemption in paragraph (1)(C)4. of this rule shall be reinstated. Emergency events include the use of boilers to produce power for critical networks or equipment when electric power from the local utility or the normal power source, if the installation runs on its own power production, is interrupted, or the use of boilers to pump water in the case of fire or flood, etc. The use of boilers to reduce electricity drawn from a power utility during utility designated peak time periods, to supply power to an electric grid, or to supply power as part of a financial arrangement with another entity is not considered an emergency event.

7. Compliance with this rule shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law or any other requirements under local, state, or federal law. Specifically, compliance with this rule shall not violate the permit conditions previously established under 10 CSR 10-6.060 or 10 CSR 10-6.065.

(2) Definitions.

(B) Commercial/institutional boiler—A boiler used in commercial establishments or institutional establishments such as medical centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

(C) Gaseous fuel—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal derived gas, refinery gas, and biogas. Blast furnace gas is not considered a gaseous fuel for the purposes of this rule.

(D) Industrial boiler—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.

(E) Liquid fuel—A combustible liquid that includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.

(F) Process heater—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for onsite consumption, or autoclaves.

(G) Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other non-fossil solid materials.

(H) Temporary boiler—Any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

(I) Definitions of certain terms specified in this rule, other than those identified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Emission Limitations.

1. Except as otherwise provided in this section, no installation shall cause or allow the emission of sulfur dioxide (SO_2) into the atmosphere exceeding one (1.0) pound (lb) of SO_2 per mmBtu of actual heat input in any thirty (30)-day period from any installation with applicable units.

2. No brewery shall cause or allow the emission of SO_2 into the atmosphere exceeding three thousand fifty (3,050) tons SO_2 in any twelve (12)-month rolling period from any installation with applicable units. SO_2 emission from all applicable units shall be determined by compliance with subparagraph (3)(C)2.D. of this rule.

(B) Measurements for Single Units. Measurements shall be one (1) of the following:

1. Measurements of SO_2 emissions from stationary sources shall be made according to an applicable method specified in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C promulgated as of December 23, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401 or by measurement procedures established pursuant to 40 CFR 60.8(b) promulgated as of May 16, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions; or

2. Monthly analysis method. Installations subject to this rule shall demonstrate compliance or non-compliance by an analysis of calendar monthly composites of daily fuel samples using American Society for Testing and Materials (ASTM) procedures, or by vendor certification, at the option of the installation. Installations opting to use vendor certification shall provide monthly individual verification from all vendors using the ASTM procedures prescribed in this paragraph of consumed solid fuels including different vendor supplied

batches of coal. The specific ASTM procedures, D2234 (published in May 1, 2007), D2013 (published in June 10, 2007), D3177 (published in May 1, 2007), D3180 (published in July 15, 2007), D4239 (published in February 1, 2008), D5865 (published in November 1, 2007), D240 (published in May 1, 2007), D2622 (published in March 1, 2008), D5504 (published in June 1, 2006), and D6228 (published in May 10, 2003) shall be used for fossil fuel or gaseous fuel sampling, sulfur, and, if needed, heating value determinations and are incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

(C) Measurements for Multi-Unit and Multi-Fuel Installations. For sources not controlling SO_2 emissions by flue gas desulphurization equipment or by sorbent injection, the following alternate compliance method may be used:

1. SO_2 emission rates for a single boiler that burns different fuels. The owner or operator of an affected installation shall determine the SO_2 emission rate of a large boiler which burns multiple fuels separately, according to the following formula:

$$E_s = \frac{\sum_{i=1}^{q}(Ka_q) + \sum_{i=1}^{r}(Kb_r) + \sum_{i=1}^{s}(Kc_s)}{H_T}$$

Where:
E_S = unit SO_2 emissions in lb per mmBtu heat input;
K_a = solid fuel sample monthly composite SO_2 emission rate in lbs;
K_b = liquid fuel sample monthly composite SO_2 emission rate in lbs;
K_c = gaseous fuel sample monthly composite SO_2 emission rate in lbs;
q = number of different solid fuels used including the number of different batches of coal;
r = number of different liquid fuels used;
s = number of different gaseous fuels used; and
H_T = total heat content for all fuels in any monthly period.

2. Averaging SO_2 emissions among different boilers.

A. To meet the requirements of paragraphs (3)(A)1. and (3)(A)2. of this rule, if there is more than one (1) existing boiler located at a installation, compliance may be demonstrated by emission averaging according to the procedures in this paragraph.

B. For a group of two (2) or more existing boilers that each vent to a separate or common stack, SO_2 emissions may be averaged to demonstrate compliance with the limits in paragraphs (3)(A)1. and (3)(A)2. of this rule.

C. Compliance with the limit in paragraph (3)(A)1. of this rule must be demonstrated on a monthly rolling average. The first period begins on the compliance date. For each monthly period, the following equation must be used to calculate the monthly rolling average weighted emission rate using the actual heat capacity for each existing boiler participating in the emissions averaging option.

$$\text{Avg Weighted Emissions} = \frac{\sum_{i=1}^{n}(Er \times Hb)}{\sum_{i=1}^{n} Hb}$$

Where:
Avg Weighted Emissions = monthly average weighted emission level for SO_2, in units of lbs per mmBtu of heat input;
Er = Emission rate, in units of lbs per mmBtu of heat input;
Hb = The average heat input for each monthly period of boiler, i, in units of mmBtu; and
n = Number of boilers participating in the emissions averaging option.

D. Compliance with the limit in paragraph (3)(A)2. of this rule must be demonstrated on a twelve (12)-month rolling total. The first period begins on the compliance date. For each twelve (12)-month period, the following equation must be used to calculate the twelve (12)-month rolling total weighted emission rate using the actual heat capacity for each existing boiler participating in the emission averaging option.

$$\text{Avg } SO_2 \text{ Emissions} = \sum_{i=1}^{n} \frac{\sum_{i=1}^{q}(Ka_q)_n + \sum_{i=1}^{r}(Kb_r)_n + \sum_{i=1}^{s}(Kc_s)_n}{1}$$

Where:
Avg SO_2 Emissions = twelve (12)-month total weighted emission level for SO_2, in units of tons of SO_2;
Ka = solid fuel monthly SO_2 emissions in tons based on material/mass balance as the source of the emission factor;
Where:

$$Ka = \frac{\text{Sulfur \% by weight}}{100} \times \frac{64.064}{32.065} \times \frac{\text{tons fuel}}{\text{burned}}$$

Kb = liquid fuel monthly SO_2 emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;
Kc = gaseous fuel monthly SO_2 emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;
n = number of boilers participating in the emissions averaging option;
q = number of different solid fuels used including the number of different batches of coal;
r = number of different liquid fuels used; and
s = number of different gaseous fuels used.

(D) Monitoring Requirements. Any owner or operator of an industrial, commercial, or institutional boiler; or process heater subject to this rule equipped with flue gas desulfurization or sorbent inject controls shall use a continuous emission monitoring system (CEMS) to monitor compliance. Owners or operators subject to this rule without control equipment shall comply with one (1) of the following requirements:

1. A CEMS that:

A. Meets the applicable requirements of 40 CFR part 60, subpart A, Appendix B, promulgated as of September 28, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions; and

B. Complies with the quality assurance procedures regardless of whether the installation is subject to new source performance standards (NSPS) specified in 40 CFR part 60, Appendix F, promulgated as of June 13, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. An alternate monitoring procedure or monitoring plan approved by the director and the U.S. Environmental Protection Agency (EPA).

(4) Reporting and Record Keeping.

(A) Reporting Requirements. The owner or operator subject to this rule shall—

1. Submit the calculation and record keeping procedure by February 15 of each year based upon correlations with ASTM and 40 CFR part 60, Appendix A reference method results, promulgated as of December 23, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. Submit an annual report to the director by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS. The annual report shall document for each affected unit, the average of the tons of SO_2 emitted during the previous twelve (12)-month period or the twelve (12)-month rolling total starting the first full year after the compliance period;

3. By February 15 of every year following the initial compliance period, submit monthly reports for the previous calendar year unless the affected unit is subject to an NSPS. The monthly reports shall document the following information for each affected unit:

A. For units equipped with a CEMS, both the total heat input in mmBtu and the SO_2 emission rate in lbs per mmBtu for the unit; and

B. For units without a CEMS, the total number of tons of each solid fuel burned including different vendor supplied batches of coal, volume of each gaseous fuel and/or volume each liquid fuel; average percent sulfur content of each solid fuel including different vendor supplied batches of coal, each liquid fuel and/or each gaseous fuel; and each solid fuel including different vendor supplied batches of coal, each liquid fuel and/or each gaseous fuel average heat content in Btu per lb; and

4. Excess emissions.

A. Units maintaining a CEMS, shall submit an excess emissions monitoring system performance report by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS, in accordance with—

(I) 40 CFR 60.7(c), promulgated as of February 12, 1999, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions; and

(II) 40 CFR 60.13, promulgated as of June 13, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

B. Units not maintaining a CEMS, shall submit a written report of excess emissions according to 10 CSR 10-6.260, subsection (4)(A) regardless of whether 10 CSR 10-6.260 applies, unless the affected unit is subject to an NSPS.

(B) Record Keeping Requirements. The owner or operator subject to this rule shall maintain all records necessary to demonstrate compliance with this rule for a period of five (5) years at the plant at which the unit is located. Daily records, along with the twelve (12)-month rolling tonnage or twelve (12)-month rolling average, shall be made available no later than one (1) month following any calendar month. The records shall be made available to the director upon request. The owner or operator shall maintain records of the following information for each month the unit is operated:

1. The identification number of each unit and the name and address of the plant where the unit is located for each unit subject to this rule;

2. The calendar date of record;

3. The number of hours the unit is operated each day including start-ups, shutdowns, malfunctions, and the type and duration of maintenance and repair;

4. The date and results of each emissions inspection;

5. A summary of any emissions corrective maintenance taken;

6. The results of all compliance tests;

7. If a unit is equipped with a CEMS—

A. The identification of time periods during which SO_2 standards are exceeded, the reason for exceedance, and action taken to correct the exceedance and prevent similar future exceedances; and

B. The identification of the time periods for which operating conditions and pollutant data were not obtained, including reasons for not obtaining sufficient data, and a description of corrective actions taken;

8. The total heat input for each fuel used per emissions unit on a monthly basis;

9. The amount of each fuel consumed per emissions unit on a monthly basis;

10. The average heat content for each fuel used per emissions unit on a monthly basis;

11. The average percent sulfur for each fuel used per emissions unit on a monthly basis;

12. The emission rate in lbs per mmBtu for each unit on a monthly basis for those units complying with the limit in paragraph (3)(A)1. of this rule. The twelve (12)-month rolling averages must be made available upon request for the inspector to review no later than one (1) month following any calendar month;

13. The monthly emission rate in tons SO_2 for those units complying with the limit in paragraph (3)(A)2. of this rule. The twelve (12)-month rolling tonnages must be made available upon request for inspector review no later than one (1) month following any calendar month; and

14. Any other reports deemed necessary by the director.

(5) Test Methods. The following hierarchy of methods shall be used to determine if a unit qualifies for the low-emitter exemption in paragraph (1)(C)4. of this rule. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

(D) AP-42 (EPA *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) (as updated);

(G) Installations shall obtain department and EPA pre-approval of any other alternate emission estimation method not listed in this section before using such method to estimate emissions.

REVISED PRIVATE COST: This proposed rule will cost private entities $70,137,400 over the life of the rule. The cost for fiscal year 2009 is estimated to be $7,013,740. Note the attached fiscal note for assumptions that apply.

REVISED FISCAL NOTE
PRIVATE COST

I. Department Title: 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 5 – Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

Rule Number and Title:	10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Industrial Boilers	$ 70,137,400

III. WORKSHEET

Fiscal Year	Compliance Cost
FY2009	$ 7,013,740
FY2010	$ 7,013,740
FY2011	$ 7,013,740
FY2012	$ 7,013,740
FY2013	$ 7,013,740
FY2014	$ 7,013,740
FY2015	$ 7,013,740
FY2016	$ 7,013,740
FY2017	$ 7,013,740
FY2018	$ 7,013,740
Aggregate	$ 70,137,400

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. Cost estimates are based on the current fuel mix of biogas.

3. Delivery cost for very low percent sulfur coal, low percent sulfur coal, medium percent sulfur coal, and high percent sulfur coal is based on the installation 2011/2012 estimated fuel costs.

4. Calculation is based on 2008 budgeted million British thermal units and 2008 projected production million British thermal units.

5. The cost estimate is based on biogas and various percent sulfur coal fuels.

6. Cost estimates are based on the installation 2008 projected fuel costs.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.045 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 3, 2009 (34 MoReg 205–206). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received five (5) comments from three (3) sources on this amendment: Associated General Contractors of Missouri, Inc., Missouri Limestone Producers Association, and the U.S. Environmental Protection Agency (EPA).

COMMENTS #1 and #2: Both the Associated General Contractors of Missouri, Inc. and the Missouri Limestone Producers Association submitted letters in support of the proposed amendment.
RESPONSE: The department's Air Pollution Control Program appreciates the support of this revision. No wording changes have been made to the proposed amendment as a result of these comments.

COMMENT #3: EPA requests that the department provide a technical demonstration outlining the difference between this rule, which is an amendment to a consolidation of four (4) separate rules, and the original rules approved in the Missouri State Implementation Plan (SIP) showing that this rule is as stringent as the original SIP approved version and that there are no net air quality disbenefits as a result of the revision. EPA reserves the opportunity to comment further on this proposed amendment following receipt of this support documentation.
RESPONSE: The department's Air Pollution Control Program will provide a technical demonstration to EPA when the amended rule is submitted for inclusion in the state implementation plan. No wording changes have been made to the proposed amendment as a result of this comment.

COMMENT #4: In section (3) General Provisions, the department's proposed change did not address petroleum-based products. EPA requests that the department provide an explanation for why petroleum-based products are not included in the description and an analysis of any air quality impacts of the revisions if petroleum-based products are not included under the definition of trade wastes.
RESPONSE AND EXPLANATION OF CHANGE: Petroleum-based products is in the current rule and was inadvertently removed as a result of changing a sentence. The department's Air Pollution Control Program has no concerns about restoring petroleum-based products in the rule. Section (3) is amended by retaining petroleum-based products under the general provisions heading.

COMMENT #5: In paragraph (3)(A)10., the department indicates that certain trade wastes may be permitted. EPA suggests that the department remove the term certain and instead list the specific trade wastes that would be exempt from the open burning prohibition should the entity be able to show that a situation exists where open burning is in the best interest of the general public, or when it can be shown that open burning is the safest and most feasible method of disposal.
RESPONSE: Providing an all inclusive listing of exempt trade wastes would be difficult. Leaving the proposed language as is allows the director flexibility in making that determination. No wording changes have been made to the proposed amendment as a result of this comment.

10 CSR 10-6.045 Open Burning Requirements

(3) General Provisions. No person may conduct, cause, permit, or allow the disposal of tires, petroleum-based products, trade waste, construction or demolition waste, salvage operation waste, or asbestos containing materials by open burning, except as permitted below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 3, 2009 (34 MoReg 206–208). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from one (1) source: the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that an air quality analysis, including any appropriate modeling results, is necessary to show that the conditions contained in the rule are sufficient to provide for attainment of the 1.5 $\mu g/m^3$ National Ambient Air Quality Standard (NAAQS) for lead. EPA recommended that the analysis address all of the applicable completeness requirements contained in 40 CFR part 51, Appendix V, Section 2.2 Technical Support.
RESPONSE: The department's Air Pollution Control Program will provide EPA with an air quality analysis when the rule is submitted to EPA to replace the current rule in the Missouri State Implementation Plan (SIP). No wording changes have been made to the proposed amendment as a result of this comment.

COMMENT #2: EPA noted that the amendment changes the emissions limit for the main stack and removes all throughput process limits. The Prevention of Significant Deterioration (PSD) permit for the Doe Run Company's Buick facility contains a total lead production limit of one hundred seventy-five thousand (175,000) tons per year. This limit is not contained in the rule amendment. The limits in the SIP and in the PSD permit should be similar. Future permit changes that could impact attainment and maintenance of the NAAQS for lead would also need to be reflected in the SIP.
RESPONSE AND EXPLANATION OF CHANGE: As a result of

this comment, paragraph (3)(B)2. has been amended to incorporate the addition of the lead production limit contained in the current PSD permit.

COMMENT #3: EPA notes that the rule makes several references to 40 CFR part 63, subpart X, which is not part of Missouri's SIP for the Doe Run Resource Recycling Division. Since the state rule 10 CSR 10-6.075, which includes 40 CFR part 63, subpart X, is not approved into the Missouri SIP, the reference to it should be removed from subsection (5)(E) of 10 CSR 10-6.120.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (5)(E) has been amended to incorporate this suggestion.

COMMENT #4: EPA proposed revising subsection (4)(C) to include a reference to the emissions limitations described in subsection (3)(B).
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (4)(C) has been amended to include the suggested language.

10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations

(3) General Provisions.

(B) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations.

1. Doe Run primary lead smelter-refinery in Herculaneum, Missouri. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table I.

Table I

Stack Name	Emissions Limitation
	(lbs per 24 hours)
Main Stack	794.0
Number 7 & 9 Baghouse Stack	56.6
Number 8 Baghouse Stack	8.2

2. Doe Run Resource Recycling Division in Boss, Missouri, shall limit main stack lead emissions into the atmosphere to 0.00087 grains of lead per dry standard cubic feet of air. This installation shall limit total lead production to one hundred seventy-five thousand (175,000) tons per year.

(4) Reporting and Record Keeping.

(C) The Doe Run Resource Recycling Division, Boss, Missouri, operator shall keep records that demonstrate compliance with the emissions limitations described in subsection (3)(B) using the sampling methods described in subsection (5)(E) of this rule. These records shall be maintained on-site in accordance with record keeping and reporting requirements in subsection (5)(E) of this rule.

(5) Test Methods.

(E) The methods for demonstrating compliance at the Doe Run Resource Recycling Division in Boss, Missouri, shall be those specified in 40 CFR part 63, subpart X.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.260 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 3, 2009 (34 MoReg 208–211). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received sixteen (16) comments from two (2) sources: the Doe Run Company and the U.S. Environmental Protection Agency (EPA).

COMMENT #1: Doe Run requested the department not move forward to promulgate the rule as proposed, but rather meet with the company to reach an alternate proposal.
RESPONSE AND EXPLANATION OF CHANGE: The proposed rule was developed through a workgroup process. The first Reasonable Available Control Technology (RACT) meetings with stakeholders, including Doe Run, began in August of 2007 and continued periodically throughout the next six (6) months. Several meetings and conference calls have been held with Doe Run since to discuss viable RACT options and feasible alternatives. As a result of Doe Run's comment, recent meetings between Doe Run and the department's Air Pollution Control Program were held to discuss a phased approach to reducing sulfur emissions resulting in changes to the rule.

COMMENT #2: Doe Run commented that the Clean Air Act (CAA) provides for the implementation of all Reasonably Available Control Measures (RACM) as expeditiously as practicable. The fiscal note attached to the proposed rule shows a compliance deadline of December 10, 2010, but no such deadline is found in the proposed rule language. Doe Run questioned whether the limits proposed in this rule would become applicable the day the rule takes effect. Doe Run commented that it is not technically or reasonably feasible for Doe Run to comply with this proposed rule by December 10, 2010, and it would be even more unreasonable to require immediate compliance by the proposed rule's effective date. Doe Run estimated that the time required for engineering and construction of control systems necessary to meet the proposed limits to be in the range of thirty (30) months.
RESPONSE AND EXPLANATION OF CHANGE: To address the CAA's implementation of RACT as expeditiously as practicable the department's Air Pollution Control Program and Doe Run have negotiated a schedule that utilizes a tiered approach to reach the required RACT reduction limits. The compliance dates, along with the corresponding emission limitations and compliance method, shall be included in the order of rulemaking. As a result of this comment, paragraph (3)(D)1. has been changed.

COMMENT #3: Doe Run commented that the realistic time frame that the controls would be in place at the Herculaneum facility make the emissions limit in the proposed rule even more unreasonable. The Lead National Ambient Air Quality Standard (NAAQS) promulgated by EPA in the fall of 2008 tightened the existing lead standard tenfold from 1.5 to 0.15 micrograms per cubic meter (ug/m^3). This new standard must be attained by 2016. Doe Run recognized that the new standard likely cannot be attained using the existing smelting technology at the plant. Doe Run has been evaluating methods of meeting the new standard, including the construction of a plant employing a new innovative process being developed by the company. Existing information shows that this new technology will

virtually eliminate lead emissions and would completely eliminate sulfur dioxide (SO_2) emissions from the facility.
RESPONSE AND EXPLANATION OF CHANGE: As mentioned in the response to Comment #2, the program and Doe Run have both come to the conclusion that a tiered approach for reducing SO_2 at the installation is an acceptable and reasonable solution to meet the required RACT emission reductions. The tiered approach offers the installation flexibility in meeting both the SO_2 reductions and the new NAAQS for lead. The time frame for reducing SO_2 emissions, as outlined in the rule, coincides with the time the installation requires to implement a new innovative process to control lead emissions. As a result of this comment and Comment #2, paragraph (3)(D)1. has been amended.

COMMENT #4: Doe Run commented that the EPA has explained that measures which are not necessary to meet Reasonable Further Progress requirements or an attainment demonstration for an area, are not required to assess and fulfill RACT or RACM procedures for such an area.
RESPONSE: The Doe Run installation is located in the St. Louis $PM_{2.5}$ nonattainment area. EPA guidance for the implementation of the $PM_{2.5}$ NAAQS recommended strongly that states undergo a RACT evaluation for the larger sources of $PM_{2.5}$ and its precursors independent of their impact on the attainment modeling. A precursor of $PM_{2.5}$ is SO_2. The Doe Run Herculaneum facility is the largest nonutility, single point source of SO_2 in the St. Louis $PM_{2.5}$ nonattainment area, and the department has determined that implementing RACT at the facility is appropriate. As a result of this comment, no changes have been made to the rule text.

COMMENT #5: Doe Run commented that their estimate of the cost to comply with the proposed limit is twelve (12) times higher than the estimate made by the program. Doe Run attached their assumptions and calculations to their written comments. Doe Run's calculations showed the capital costs to be $61 million with annual operating costs of $26 million. The total cost for compliance amortized over the same ten (10)-year period was estimated to be $322.6 million. These costs include controls on the blast furnace as well as the sinter plant. Doe Run noted that, although the program assumed controls would be only required to scrub SO_2 from the sinter plant emissions, SO_2 emissions from the facility would still exceed the proposed limit. To meet this limit, Doe Run determined that they would need to install two (2) dry scrubbers, one for the number three (3) baghouse and one for number five (5). Additionally, two (2) more baghouses would be required to remove the calcium sulfate that is produced by the scrubbers. These units would all need to be custom engineered and built. Such a project would be difficult, time consuming, and expensive, not only because these control units are not off the shelf items, but also because of the existing facility layout and the associated space constraints. Furthermore, EPA has explained the CAA does not require measures that are impractical or result in severely disruptive socioeconomic impacts. States are directed to consider the capital costs, annualized costs, cost effectiveness of an emissions reduction technology, and the effects on the local economy in determining whether a potential control measure is reasonable for an area. Doe Run estimated that the cost per ton of SO_2 removed would be five thousand nine hundred fourteen dollars ($5,914). For these reasons, Doe Run concluded that the proposed limits implemented through these control technology measures are unreasonable.
RESPONSE AND EXPLANATION OF CHANGE: Through several meetings and conference calls, the department's Air Pollution Control Program and Doe Run have worked collectively to reach an agreement on the estimated cost to reach the required RACT SO_2 reductions. During this process, a collaborative decision was reached that in order to meet SO_2 reductions only one (1) dry scrubber and one (1) baghouse would be needed. Capital costs are estimated to be $21,628,680, direct annual operating costs $40,162,080, and indirect annual operating costs $3,508,182. The total cost per ton of SO_2 removed ranges from one thousand six hundred sixty dollars ($1,660) to one thousand seven hundred forty-one dollars ($1,741) making RACT and the proposed limits cost effective, practical, and reasonable to achieve. For further details see the revised fiscal note with the order of rulemaking. As a result of this comment, the fiscal note for this rulemaking has been revised.

COMMENT #6: Doe Run commented that if other environmental impacts cannot be reasonably mitigated, a control option should not be considered reasonable. There are environmental impacts associated with the operation of the controls required to meet the proposed limit. A new hazardous waste stream would be created and need to be disposed of. The dry scrubber process requires four (4) pounds of lime for every pound of SO_2 removed. Because the resultant calcium sulfate particulate processed by the baghouse would contain lead, the product would have to be managed as a hazardous waste. Doe Run estimated that this emission control process would generate seventy-one thousand four hundred sixty (71,460) tons per year waste, requiring two thousand nine hundred seventy-seven (2,977) trucks annually for disposal. Furthermore, the lime delivery will require two thousand three hundred eighty-two (2,382) truck trips per year. Doe Run noted that this additional truck traffic will significantly increase mobile source emissions impacts.
RESPONSE AND EXPLANATION OF CHANGE: As addressed in the response to Comment #5, the revised fiscal note includes waste disposal costs generated from SO_2 control equipment. The waste stream generated can be reasonably alleviated while at the same time be feasible and cost effective. Mobile source emissions will not substantially be increased in the St. Louis nonattainment area as a result of adding SO_2 control equipment at the installation.

COMMENT #7: Doe Run commented that the limit in the proposed rulemaking is not RACT under the CAA because it is not economically feasible for Doe Run to achieve.
RESPONSE: As mentioned in response to Comment #4, EPA recommends that larger sources of $PM_{2.5}$ be evaluated for RACT for $PM_{2.5}$ nonattainment areas. Therefore, no changes have been made to the rule text.

COMMENT #8: Doe Run commented that the agency's assumptions used to form the basis of the proposed rulemaking are not correct, particularly the use of one (1) scrubber. Power usage to run two (2) additional baghouse fans would double the current electric use.
RESPONSE AND EXPLANATION OF CHANGE: In response to this comment and others, the fiscal note has been revised.

COMMENT #9: Doe Run commented that there is no date in which the rule is effective and there also was not a compliance schedule to meet the emission limit in the proposed rulemaking.
RESPONSE AND EXPLANATION OF CHANGE: As noted in the response to Comment #2, the rule text has been revised to implement a tiered approach.

COMMENT #10: Doe Run commented that the time frame to amortize the cost of this proposed rulemaking is unrealistic. It would take approximately thirty (30) months to install control equipment and that the new lead standard must be attained by 2016.
RESPONSE AND EXPLANATION OF CHANGE: As noted in the response to Comment #2, the rule text has been revised to implement a tiered approach.

COMMENT #11: Doe Run commented that the ten (10)-year period in the life of the rule assumes the SO_2 controls would be in use this entire time but it is estimated these controls would be in place only five (5) years.
RESPONSE AND EXPLANATION OF CHANGE: Because the life of the SO_2 control equipment, a scrubber and a baghouse, was mentioned to be estimated as eight (8) years, the ten (10)-year period in the life of the rule has been changed to eight (8) years.

COMMENT #12: Doe Run commented that a new hazardous waste stream has not been considered by the program and the costs associated with it. To dispose of this hazardous waste a significant amount of truck traffic will be generated at the installation.
RESPONSE AND EXPLANATION OF CHANGE: As noted in response to Comment #6, the fiscal note has been revised to include waste disposal and additional truck traffic will not significantly increase mobile emission in the St. Louis nonattainment area.

COMMENT #13: Doe Run requested the commission take no further action on this rule as it is proposed.
RESPONSE: The federal Clean Air Fine Particle Implementation Rule became effective April 25, 2007, with state implementation plans due April of 2008. Since this rule is needed to meet state implementation plan requirements for the annual $PM_{2.5}$ NAAQS, the department's Air Pollution Control Program has worked with Doe Run to develop a rule to implement RACT at the facility.

COMMENT #14: EPA commented that an emissions and feasibility analysis which describes how the department determined that the emissions limits represent RACT and how the department determined that the compliance dates in the rule provide for compliance as expeditiously as practicable be submitted. EPA recommended that the analysis address all of the applicable completeness requirements contained in 40 CFR part 51, Appendix V, Section 2.2 Technical Support. These requirements include paragraph 2.2(i), economic and technological justifications, which would encompass the RACT analysis described above.
RESPONSE: The department's Air Pollution Control Program will provide EPA with an emissions and feasibility analysis when the rule is submitted to EPA for inclusion in the Missouri State Implementation Plan. No wording changes have been made to the rule text as a result of this comment.

COMMENT #15: EPA commented that the compliance methods listed in this rule should match the averaging time and emission limitations of this rule. For example, Doe Run's facility averaging time is a thirty (30)-day rolling average, yet the compliance method in paragraph (3)(D)2. indicates that source testing consists of averaging three (3) separate one (1)-hour tests.
RESPONSE AND EXPLANATION OF CHANGE: As noted in response to Comment #2, paragraph (3)(D)1. has been changed and the compliance methods have been updated to match the requirements.

COMMENT #16: EPA commented that in Table II of this rule, the emission limitation listed for Doe Run, Herculaneum, of six hundred ninety-five (695) tons should include the appropriate unit measurement of six hundred ninety-five (695) tons SO_2 per thirty (30)-day rolling average.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (3)(D)1. has been changed to include the appropriate unit measurements and compliance methods have been updated.

10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

(3) General Provisions.

(D) Emission of Sulfur Dioxide from Existing Lead Smelters and Refineries.

1. Each of the following existing installations listed in Table II engaged in smelting and/or refining lead shall limit its sulfur dioxide emissions from the sources or stacks, as described, to the amount of sulfur dioxide set forth here.

Table II

Facility	Averaging Time	Emission Limitation
Doe Run Company, Lead Smelter and Refinery—Glover, Missouri	1 hour test repeated 3 times	
Two stacks:		
Sinter machine off-gas stack		20,000 pounds SO_2/hr
Blast furnace baghouse stack		1,056 pounds SO_2/hr
Doe Run Company, Buick Smelter—Boss, Missouri	1 hour test repeated 3 times	8,650 pounds SO_2/hr
Doe Run Company, Herculaneum Smelter—Herculaneum, Missouri	Year end Annual for 2012	25,100 tons SO_2/year
	Year end Annual for 2014	16,350 tons SO_2/year
	Year end Annual for 2017	0 tons SO_2/year

2. Compliance with paragraph (3)(D)1. of this rule shall be determined by source testing as specified in subsection (5)(B) of this rule except that the source testing shall consist of averaging three (3) separate one (1)-hour tests using the applicable testing method. The Doe Run Company, Herculaneum Smelter, shall determine compliance using a continuous emission monitoring system.

3. Secondary lead smelting installations shall install, calibrate, maintain, and operate an SO_2 continuous emission monitoring system, for the purpose of demonstrating compliance status, relative to subsection (3)(A) of this rule.

A. Certification.

(I) The continuous emission monitoring systems shall be certified by the owner or operator in accordance with 40 CFR part 60 Appendix B, Performance Specification 2 and Section 60.13 as is pertinent to SO_2 continuous monitors as adopted by reference in 10 CSR 10-6.070.

(II) The span of the SO_2 continuous monitor shall be set at an SO_2 concentration of one-fifth percent (0.20%) by volume.

(III) For the purpose of the SO_2 continuous monitor performance evaluation, the reference method referred to under the Field Test for Accuracy in Performance Specification 2 shall be Reference Method 6, 10 CSR 10-6.030(6). For this method, the minimum sampling time is twenty (20) minutes and the minimum volume is 0.02 dry standard cubic meter (dscm) for each sample. Samples are taken at sixty (60)-minute intervals and each sample represents a one (1)-hour average.

B. Reports shall be as specified in section (4) of this rule.

4. Owners or operators of sources and installations subject to this section shall furnish the director such data as s/he may reasonably require to determine whether compliance is being met.

REVISED PRIVATE COST: This proposed amendment will cost private entities $370,310,496 over the life of the rule. Note the attached fiscal note for assumptions that apply.

REVISED FISCAL NOTE
PRIVATE COST

I. Department Title: 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Primary Lead Smelter	$ 370,310,496

III. WORKSHEET

Fiscal Year	Direct Annual Operating Costs	Indirect Annual Operating Costs	Direct Capital Costs Installed	Indirect Capital Costs	Total
FY2011	$ 0	$ 0	$ 0	$ 0	$ 0
FY2012	$ 40,162,080	$ 3,508,182	$ 17,547,000	$ 3,401,400	$ 64,618,662
FY2013	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2014	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2015	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2016	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2017	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2018	$ 40,162,080	$ 3,508,182			$ 43,670,262
FY2019	$ 40,162,080	$ 3,508,182			$ 43,670,262
Aggregate	$ 321,296,640	$ 28,065,456	$ 17,547,000	$ 3,401,400	$370,310,496

IV. ASSUMPTIONS

1. The life of the rule is assumed to be eight (8) years.

2. The initial compliance period for this rule is calendar year 2012.

3. Cost estimates are based on Operator Labor costs of $24.04 per hour, for three (3) men per year for 2,080 hours per year.

4. Cost estimates are based $50,000 per year per man for operation and maintenance, based on three (3) shifts.

5. Electricity costs are based on one (1) dry scrubber and one (1) baghouse with a total of 1,800 kilowatts (kW) operating 330 days a year for 24 hours a day, and industrial electricity costs of $0.05 per kW hour.

6. The Capital Recovery Factor assumes an interest rate of seven (7) percent with the life of the equipment being eight (8) years.

7. Annual sulfur dioxide throughput is based on the 2004 stack test and 2006 production data.

8. Indirect Costs are based on a location and difficulty factor of twenty (20%) of installation costs less the process heater.

9. Lime treatment is assumed for the sinter plant only. Four (4) pounds of lime are needed per one (1) pound SO_2 removed at a cost of $110 per ton SO_2 removed.

10. Waste disposal is based on 131,535 tons generated per year with a disposal cost of $200 per ton.

11. The amount of natural gas required for reheating the gas stream to fifty (50) degrees Fahrenheit above saturation is 158,400 mmBTU per year at a cost of $8 per mmBTU.

12. The Capital Recovery costs are based on an eight (8) year equipment lifespan at seven (7) percent interest.

13. Bag replacement costs are based on a four (4) year life or $150,000 per year.

14. Direct Capital and Installation Costs are based on vender quotes for one (1) dry scrubber and one (1) baghouse, and purchased equipment costs with exhaust gas flow rates of 300,000 cubic feet per minute.

15. Included engineering procurement construction management cost is assumed to be twenty percent (20%) of indirect cost.

16. Based on Doe Run comments on the rule and fiscal note, the installation does not plan to invest and implement SO_2 controls with one (1) dry scrubber and one (1) baghouse as estimated for the purpose of this fiscal note. Based on Doe Run comments, the installation plans to employ a new innovative lead refining process that will result in reduced SO_2 emissions. The utilization of this new process will enable the installation to control both lead emissions by the new NAAQS compliance date and control SO_2 for the purposes of RACT.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-6.320 Sales Tax Exemption **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 3, 2009, (34 MoReg 212). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no written or verbal comments concerning this proposed rescission during the public comment period.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before August 17, 2009.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email: Kathy.Hatfield@modot.mo.gov*
• *Mail: PO Box 893, Jefferson City, MO 65102-0893*
• *Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109*
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish these comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Investigations Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2008, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP070412025

Renewal Applicant's Name & Age: Michael A. Johnson, 32
Relevant Physical Condition: Mr. Johnson's visual acuity meets the minimum requirements. He was diagnosed with diabetes mellitus in 1981.

Relevant Driving Experience: Mr. Johnson has been employed as a lineman with an electric service since April 2007. He has approximately twelve (12) years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2009, his Endocrinologist certified, "In my medical opinion, Mr. Johnson's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: One accident, not in a CMV, and no violations on record.

Application # MP051128059

Renewal Applicant's Name & Age: Cary A. Hagen, 38
Relevant Physical Condition: Mr. Hagen's best-corrected visual acuity in his left eye is 20/15 Snellen and he has a prosthetic right eye. He had trauma to the right eye in August 2001 and it was removed in February 2002.

Relevant Driving Experience: Mr. Hagen is currently employed as a Teamster Driver and Paver operator. Previous employment includes driving a truck-tractor combination from March 1997 to August 2001 and a substitute school bus driver for a public school. He has approximately twenty (20) years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2009, his ophthalmologist certified, "In my medical opinion, Mr. Hagen's visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations on record.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: June 15, 2009

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before September 1, 2009.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email: Kathy.Hatfield@modot.mo.gov*
• *Mail: PO Box 893, Jefferson City, MO 65102-0893*
• *Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109*
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish these comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Investigations Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2008, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP090609022

Applicant's Name & Age: Grayson L. Clark, 23
Relevant Physical Condition: Mr. Clark's visual acuity meets the minimum requirements. He was diagnosed with diabetes mellitus in December 2008.

Relevant Driving Experience: Mr. Clark has been employed with an electric utility company and has driven since October 2007. He has approximately 1 1/2 years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2009, his endocrinologist certified, "In my medical opinion, Mr. Clark's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents and one violation, not in a CMV.

Application # MP090424017

Applicant's Name & Age: Rodger D. Jarvis, 58
Relevant Physical Condition: Mr. Jarvis best-corrected visual acuity in his right eye is 20/25 Snellen, and in his left eye is 3/200 Snellen. He had cataract surgery as an infant.

Relevant Driving Experience: Mr. Jarvis is currently employed as a driver for a coin company. Previous employment has not included driving a commercial motor vehicle. He has approximately one (1) year of commercial motor vehicle driving experience. He currently has a Class E license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2009, his optometrist certified, "In my medical opinion, Mr. Jarvis visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations on record.

Application # MP070222011

Applicant's Name & Age: David E. Akins, 30
Relevant Physical Condition: Mr. Akins's best corrected visual acuity in his left eye is 20/15 Snellen and he has amblyopia (lazy eye) in his right eye, his best uncorrected visual acuity in the right eye is 20/200 Snellen. He has a Class A CDL.

Relevant Driving Experience: Currently works for an asset recovery company and has been operating commercial motor vehicles for approximately two (2) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2009, his optometrist certified, "In my medical opinion, Mr. Akins's visual deficiency is stable and he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No violations and one accident, not in a commercial motor vehicle within the past three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: July 1, 2009

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the application listed below. A decision is tentatively scheduled for August 21, 2009. This application is available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

07/09/09
#4379 NP: Sylvia G. Thompson Resident Center
Sedalia (Pettis County)
$2,068,100, Long-term care bed expansion through the purchase of 21 skilled nursing facility beds from Saxton Woods Health & Rehabilitation

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by August 12, 2009. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for September 21, 2009. These applications are available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

07/08/09
#4381 HS: Bothwell Regional Health Center
Sedalia (Pettis County)
$1,704,764, Replace magnetic resonance imager (MRI)

07/09/09
#4359 RS: Carnegie Village Assisted Living
Belton (Cass County)
$510,318, Add 25 assisted living facility (ALF) beds

07/10/09
#4384 RS: Westbrooke Senior Living
Ellisville (St. Louis County)
$14,774,206, Establish 80-bed ALF

#4380 HS: St. John's Mercy Health System
St. Louis (St. Louis County)
$2,113,000, Acquire fifth MRI

#4387 HS: Boone Hospital Center
Columbia (Boone County)
$1,760,058, Replace MRI

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 12, 2009. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP OF A LIMITED LIABILITY COMPANY

TO ALL CREDITORS AND CLAIMANTS AGAINST DEALER AUTO WARRANTIES, LLC:

On, March 10th, 2009, Dealer Auto Warranties, LLC, a Missouri Limited Liability Company ("Company") filed its notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company:

Dealer Auto Warranties, LLC
c/o Dave Rohlfing
1505 Wild Goose Run
St. Charles, MO 63303

a written summary of any claims against Company including: 1) claimant's name, address, and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) documentation supporting the claim.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST FAIRFIELD, L.L.C.

Effective June 17, 2009, Fairfield, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at: Fairfield, L.L.C. c/o Harold A. Tzinberg, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
JMB TAPAWINGO, L.L.C.**

Effective June 17, 2009, JMB Tapawingo, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at: JMB Tapawingo, L.L.C. c/o Harold A. Tzinberg, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		34 MoReg 1397		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.010	Animal Health		34 MoReg 1461		
2 CSR 30-2.020	Animal Health		34 MoReg 1468		
2 CSR 30-2.040	Animal Health		34 MoReg 1334		
2 CSR 30-6.015	Animal Health		34 MoReg 1474		
2 CSR 30-6.020	Animal Health		34 MoReg 1475		
2 CSR 30-10.010	Animal Health		34 MoReg 1175		
2 CSR 70-11.050	Plant Industries	33 MoReg 1795	34 MoReg 183	34 MoReg 1281	
2 CSR 90-10	Weights and Measures				33 MoReg 1193
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		34 MoReg 592	34 MoReg 1411	
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		34 MoReg 592	34 MoReg 1411	
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		34 MoReg 593	34 MoReg 1411	
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		34 MoReg 595	34 MoReg 1411	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-5.205	Conservation Commission		34 MoReg 1275		
3 CSR 10-5.215	Conservation Commission		34 MoReg 1275		
3 CSR 10-5.375	Conservation Commission		34 MoReg 831R	34 MoReg 1412R	
3 CSR 10-6.550	Conservation Commission		34 MoReg 831	34 MoReg 1412	
3 CSR 10-7.410	Conservation Commission		34 MoReg 831	34 MoReg 1412	
3 CSR 10-7.425	Conservation Commission		34 MoReg 832	34 MoReg 1412	
3 CSR 10-7.432	Conservation Commission		N.A.	34 MoReg 1281	
3 CSR 10-7.433	Conservation Commission		N.A.	34 MoReg 1281	
3 CSR 10-7.435	Conservation Commission		N.A.	34 MoReg 1282	
3 CSR 10-7.437	Conservation Commission		N.A.	34 MoReg 1282	
3 CSR 10-8.510	Conservation Commission		34 MoReg 832	34 MoReg 1412	
3 CSR 10-8.515	Conservation Commission		34 MoReg 832	34 MoReg 1412	
3 CSR 10-9.110	Conservation Commission		34 MoReg 834	34 MoReg 1413	
3 CSR 10-9.353	Conservation Commission		34 MoReg 834	34 MoReg 1413	
3 CSR 10-9.442	Conservation Commission		34 MoReg 835	34 MoReg 1413	
3 CSR 10-9.565	Conservation Commission		34 MoReg 836	34 MoReg 1413	
3 CSR 10-11.110	Conservation Commission		34 MoReg 837	34 MoReg 1413	
3 CSR 10-11.155	Conservation Commission		34 MoReg 837	34 MoReg 1413	
3 CSR 10-11.160	Conservation Commission		34 MoReg 837	34 MoReg 1413	
3 CSR 10-11.180	Conservation Commission		34 MoReg 838	34 MoReg 1414	
3 CSR 10-11.186	Conservation Commission		34 MoReg 838	34 MoReg 1414	
3 CSR 10-12.110	Conservation Commission		34 MoReg 838	34 MoReg 1414	
3 CSR 10-12.115	Conservation Commission		34 MoReg 839	34 MoReg 1414	
3 CSR 10-12.125	Conservation Commission		34 MoReg 840	34 MoReg 1414	
3 CSR 10-12.135	Conservation Commission		34 MoReg 840	34 MoReg 1414	
3 CSR 10-12.140	Conservation Commission		34 MoReg 841	34 MoReg 1415	
3 CSR 10-12.145	Conservation Commission		34 MoReg 841	34 MoReg 1415	
3 CSR 10-20.805	Conservation Commission		34 MoReg 1276		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-2.020	Public Service Commission		34 MoReg 1175R		
4 CSR 240-3.162	Public Service Commission		34 MoReg 187 34 MoReg 595	34 MoReg 1415 34 MoReg 1415	34 MoReg 240RAN
4 CSR 240-3.240	Public Service Commission		34 MoReg 842R		
4 CSR 240-3.330	Public Service Commission		34 MoReg 842R		
4 CSR 240-3.440	Public Service Commission		34 MoReg 843R		
4 CSR 240-3.635	Public Service Commission		34 MoReg 843R		
4 CSR 240-20.065	Public Service Commission		34 MoReg 659		
4 CSR 240-20.091	Public Service Commission		34 MoReg 196 34 MoReg 605	34 MoReg 1419 34 MoReg 1419	34 MoReg 240RAN
4 CSR 240-126.010	Public Service Commission		34 MoReg 1176		
4 CSR 240-126.020	Public Service Commission		34 MoReg 1176		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-4.030	Division of Administrative and Financial Services		34 MoReg 1177R 34 MoReg 1178		
5 CSR 30-640.100	Division of Administrative and Financial Services		34 MoReg 113	34 MoReg 1354	
5 CSR 80-800.200	Teacher Quality and Urban Education		34 MoReg 368	34 MoReg 1489	
5 CSR 80-800.220	Teacher Quality and Urban Education		34 MoReg 368	34 MoReg 1489	
5 CSR 80-800.230	Teacher Quality and Urban Education		34 MoReg 369	34 MoReg 1490	
5 CSR 80-800.260	Teacher Quality and Urban Education		34 MoReg 369	34 MoReg 1490	
5 CSR 80-800.270	Teacher Quality and Urban Education		34 MoReg 370	34 MoReg 1491	
5 CSR 80-800.280	Teacher Quality and Urban Education		34 MoReg 370	34 MoReg 1491	
5 CSR 80-800.350	Teacher Quality and Urban Education		34 MoReg 370	34 MoReg 1491	
5 CSR 80-800.360	Teacher Quality and Urban Education		34 MoReg 372	34 MoReg 1492	
5 CSR 80-800.380	Teacher Quality and Urban Education		34 MoReg 372	34 MoReg 1492	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.100	Commissioner of Higher Education		34 MoReg 660	34 MoReg 1493	
6 CSR 10-2.120	Commissioner of Higher Education		34 MoReg 662	34 MoReg 1493	
6 CSR 10-2.130	Commissioner of Higher Education		34 MoReg 665	34 MoReg 1493	
6 CSR 10-3.010	Commissioner of Higher Education		34 MoReg 1481		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-11.010	Missouri Highways and Transportation Commission		34 MoReg 1483		
7 CSR 10-11.020	Missouri Highways and Transportation Commission		34 MoReg 1484R 34 MoReg 1484		
7 CSR 10-11.030	Missouri Highways and Transportation Commission		34 MoReg 1487R 34 MoReg 1487		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				34 MoReg 1427 This Issue
7 CSR 60-2.010	Highway Safety Division	34 MoReg 1321	34 MoReg 1340		
7 CSR 60-2.020	Highway Safety Division		34 MoReg 1341		
7 CSR 60-2.030	Highway Safety Division	34 MoReg 1322	34 MoReg 1342		
7 CSR 60-2.040	Highway Safety Division	34 MoReg 1324	34 MoReg 1347		
7 CSR 60-2.050	Highway Safety Division		34 MoReg 1348		
7 CSR 60-2.060	Highway Safety Division		34 MoReg 1349		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 30-6.010	Division of Labor Standards	34 MoReg 1393	34 MoReg 1398		
8 CSR 60-1.010	Missouri Commission on Human Rights		34 MoReg 763	This Issue	
8 CSR 60-2.065	Missouri Commission on Human Rights		34 MoReg 763	This Issue	
8 CSR 60-2.130	Missouri Commission on Human Rights		34 MoReg 764	This Issue	
8 CSR 60-2.150	Missouri Commission on Human Rights		34 MoReg 765	This Issue	
8 CSR 60-2.200	Missouri Commission on Human Rights		34 MoReg 765	This Issue	
8 CSR 60-2.210	Missouri Commission on Human Rights		34 MoReg 765	This Issue	
8 CSR 60-4.015	Missouri Commission on Human Rights		34 MoReg 766	This Issue	
8 CSR 60-4.020	Missouri Commission on Human Rights		34 MoReg 766	This Issue	
8 CSR 60-4.030	Missouri Commission on Human Rights		34 MoReg 766	This Issue	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-5.570	Air Conservation Commission		34 MoReg 199	This Issue	
10 CSR 10-6.045	Air Conservation Commission		34 MoReg 205	This Issue	
10 CSR 10-6.060	Air Conservation Commission		33 MoReg 2192	34 MoReg 1283	
10 CSR 10-6.100	Air Conservation Commission		33 MoReg 2204	34 MoReg 1286	
10 CSR 10-6.120	Air Conservation Commission		34 MoReg 206	This Issue	
10 CSR 10-6.260	Air Conservation Commission		34 MoReg 208	This Issue	
10 CSR 10-6.320	Air Conservation Commission		34 MoReg 212R	This IssueR	
10 CSR 10-6.350	Air Conservation Commission		33 MoReg 2315	34 MoReg 1286	
10 CSR 10-6.360	Air Conservation Commission		33 MoReg 2316	34 MoReg 1287	
10 CSR 10-6.362	Air Conservation Commission		This Issue		
10 CSR 10-6.364	Air Conservation Commission		This Issue		
10 CSR 10-6.366	Air Conservation Commission		This Issue		
10 CSR 10-6.410	Air Conservation Commission		33 MoReg 2206	34 MoReg 1287	
10 CSR 20-4.040	Clean Water Commission	34 MoReg 1326	34 MoReg 1398		
10 CSR 20-4.061	Clean Water Commission		34 MoReg 767		
10 CSR 20-6.010	Clean Water Commission		34 MoReg 772		
10 CSR 20-6.200	Clean Water Commission		34 MoReg 377		
10 CSR 20-7.031	Clean Water Commission	33 MoReg 2415	34 MoReg 379		
10 CSR 20-10.010	Clean Water Commission *(Changed to 10 CSR 26-2.010)*		34 MoReg 843		
10 CSR 20-10.011	Clean Water Commission *(Changed to 10 CSR 26-2.011)*		34 MoReg 845		
10 CSR 20-10.012	Clean Water Commission *(Changed to 10 CSR 26-2.012)*		34 MoReg 845		
10 CSR 20-10.020	Clean Water Commission *(Changed to 10 CSR 26-2.020)*		34 MoReg 847		
10 CSR 20-10.021	Clean Water Commission *(Changed to 10 CSR 26-2.021)*		34 MoReg 849		
10 CSR 20-10.022	Clean Water Commission *(Changed to 10 CSR 26-2.022)*		34 MoReg 849		
10 CSR 20-10.030	Clean Water Commission *(Changed to 10 CSR 26-2.030)*		34 MoReg 850		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 20-10.031	Clean Water Commission *(Changed to 10 CSR 26-2.031)*		34 MoReg 851		
10 CSR 20-10.032	Clean Water Commission *(Changed to 10 CSR 26-2.032)*		34 MoReg 851		
10 CSR 20-10.033	Clean Water Commission *(Changed to 10 CSR 26-2.033)*		34 MoReg 851		
10 CSR 20-10.034	Clean Water Commission *(Changed to 10 CSR 26-2.034)*		34 MoReg 852		
10 CSR 20-10.040	Clean Water Commission *(Changed to 10 CSR 26-2.040)*		34 MoReg 853		
10 CSR 20-10.041	Clean Water Commission *(Changed to 10 CSR 26-2.041)*		34 MoReg 854		
10 CSR 20-10.042	Clean Water Commission *(Changed to 10 CSR 26-2.042)*		34 MoReg 854		
10 CSR 20-10.043	Clean Water Commission *(Changed to 10 CSR 26-2.043)*		34 MoReg 855		
10 CSR 20-10.044	Clean Water Commission *(Changed to 10 CSR 26-2.044)*		34 MoReg 857		
10 CSR 20-10.045	Clean Water Commission *(Changed to 10 CSR 26-2.045)*		34 MoReg 857		
10 CSR 20-10.050	Clean Water Commission *(Changed to 10 CSR 26-2.050)*		34 MoReg 858		
10 CSR 20-10.051	Clean Water Commission *(Changed to 10 CSR 26-2.051)*		34 MoReg 862		
10 CSR 20-10.052	Clean Water Commission *(Changed to 10 CSR 26-2.052)*		34 MoReg 862		
10 CSR 20-10.053	Clean Water Commission *(Changed to 10 CSR 26-2.053)*		34 MoReg 863		
10 CSR 20-10.060	Clean Water Commission *(Changed to 10 CSR 26-2.070)*		34 MoReg 866		
10 CSR 20-10.061	Clean Water Commission *(Changed to 10 CSR 26-2.071)*		34 MoReg 866		
10 CSR 20-10.062	Clean Water Commission *(Changed to 10 CSR 26-2.072)*		34 MoReg 871		
10 CSR 20-10.063	Clean Water Commission *(Changed to 10 CSR 26-2.073)*		34 MoReg 877		
10 CSR 20-10.064	Clean Water Commission *(Changed to 10 CSR 26-2.074)*		34 MoReg 877		
10 CSR 20-10.065	Clean Water Commission		34 MoReg 884R		
10 CSR 20-10.066	Clean Water Commission		34 MoReg 884R		
10 CSR 20-10.067	Clean Water Commission		34 MoReg 884R		
10 CSR 20-10.068	Clean Water Commission		34 MoReg 885R		
10 CSR 20-10.070	Clean Water Commission *(Changed to 10 CSR 26-2.060)*		34 MoReg 885		
10 CSR 20-10.071	Clean Water Commission *(Changed to 10 CSR 26-2.061)*		34 MoReg 885		
10 CSR 20-10.072	Clean Water Commission *(Changed to 10 CSR 26-2.062)*		34 MoReg 886		
10 CSR 20-10.073	Clean Water Commission *(Changed to 10 CSR 26-2.063)*		34 MoReg 890		
10 CSR 20-10.074	Clean Water Commission *(Changed to 10 CSR 26-2.064)*		34 MoReg 890		
10 CSR 20-11.090	Clean Water Commission *(Changed to 10 CSR 26-3.090)*		34 MoReg 890		
10 CSR 20-11.091	Clean Water Commission *(Changed to 10 CSR 26-3.091)*		34 MoReg 891		
10 CSR 20-11.092	Clean Water Commission *(Changed to 10 CSR 26-3.092)*		34 MoReg 891		
10 CSR 20-11.093	Clean Water Commission *(Changed to 10 CSR 26-3.093)*		34 MoReg 892		
10 CSR 20-11.094	Clean Water Commission *(Changed to 10 CSR 26-3.094)*		34 MoReg 892		
10 CSR 20-11.095	Clean Water Commission *(Changed to 10 CSR 26-3.095)*		34 MoReg 896		
10 CSR 20-11.096	Clean Water Commission *(Changed to 10 CSR 26-3.096)*		34 MoReg 897		
10 CSR 20-11.097	Clean Water Commission *(Changed to 10 CSR 26-3.097)*		34 MoReg 900		
10 CSR 20-11.098	Clean Water Commission *(Changed to 10 CSR 26-3.098)*		34 MoReg 903		
10 CSR 20-11.099	Clean Water Commission *(Changed to 10 CSR 26-3.099)*		34 MoReg 906		
10 CSR 20-11.101	Clean Water Commission *(Changed to 10 CSR 26-3.101)*		34 MoReg 908		
10 CSR 20-11.102	Clean Water Commission *(Changed to 10 CSR 26-3.102)*		34 MoReg 908		
10 CSR 20-11.103	Clean Water Commission *(Changed to 10 CSR 26-3.103)*		34 MoReg 909		
10 CSR 20-11.104	Clean Water Commission *(Changed to 10 CSR 26-3.104)*		34 MoReg 914		

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10 CSR 20-11.105	Clean Water Commission *(Changed to 10 CSR 26-3.105)*		34 MoReg 914		
10 CSR 20-11.106	Clean Water Commission *(Changed to 10 CSR 26-3.106)*		34 MoReg 915		
10 CSR 20-11.107	Clean Water Commission *(Changed to 10 CSR 26-3.107)*		34 MoReg 915		
10 CSR 20-11.108	Clean Water Commission *(Changed to 10 CSR 26-3.108)*		34 MoReg 918		
10 CSR 20-11.109	Clean Water Commission *(Changed to 10 CSR 26-3.109)*		34 MoReg 920		
10 CSR 20-11.110	Clean Water Commission *(Changed to 10 CSR 26-3.110)*		34 MoReg 920		
10 CSR 20-11.111	Clean Water Commission *(Changed to 10 CSR 26-3.111)*		34 MoReg 921		
10 CSR 20-11.112	Clean Water Commission *(Changed to 10 CSR 26-3.112)*		34 MoReg 921		
10 CSR 20-11.113	Clean Water Commission *(Changed to 10 CSR 26-3.113)*		34 MoReg 925		
10 CSR 20-11.114	Clean Water Commission *(Changed to 10 CSR 26-3.114)*		34 MoReg 928		
10 CSR 20-11.115	Clean Water Commission *(Changed to 10 CSR 26-3.115)*		34 MoReg 935		
10 CSR 20-13.080	Clean Water Commission *(Changed to 10 CSR 26-4.080)*		34 MoReg 937		
10 CSR 20-15.010	Clean Water Commission *(Changed to 10 CSR 26-5.010)*		34 MoReg 937		
10 CSR 20-15.020	Clean Water Commission *(Changed to 10 CSR 26-5.020)*		34 MoReg 938		
10 CSR 20-15.030	Clean Water Commission *(Changed to 10 CSR 26-5.030)*		34 MoReg 938		
10 CSR 25-18.010	Hazardous Waste Management Commission		34 MoReg 527		
10 CSR 25-19.010	Hazardous Waste Management Commission	This Issue	This Issue		
10 CSR 26-1.010	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 939		
10 CSR 26-2.010	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.010)*		34 MoReg 843		
10 CSR 26-2.011	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.011)*		34 MoReg 845		
10 CSR 26-2.012	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.012)*		34 MoReg 845		
10 CSR 26-2.020	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.020)*		34 MoReg 847		
10 CSR 26-2.021	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.021)*		34 MoReg 849		
10 CSR 26-2.022	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.022)*		34 MoReg 849		
10 CSR 26-2.030	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.030)*		34 MoReg 850		
10 CSR 26-2.031	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.031)*		34 MoReg 851		
10 CSR 26-2.032	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.032)*		34 MoReg 851		
10 CSR 26-2.033	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.033)*		34 MoReg 851		
10 CSR 26-2.034	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.034)*		34 MoReg 852		
10 CSR 26-2.040	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.040)*		34 MoReg 853		
10 CSR 26-2.041	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.041)*		34 MoReg 854		
10 CSR 26-2.042	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.042)*		34 MoReg 854		
10 CSR 26-2.043	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.043)*		34 MoReg 855		
10 CSR 26-2.044	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.044)*		34 MoReg 857		
10 CSR 26-2.045	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.045)*		34 MoReg 857		
10 CSR 26-2.050	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.050)*		34 MoReg 858		
10 CSR 26-2.051	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.051)*		34 MoReg 862		
10 CSR 26-2.052	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.052)*		34 MoReg 862		
10 CSR 26-2.053	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.053)*		34 MoReg 863		
10 CSR 26-2.060	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.070)*		34 MoReg 885		
10 CSR 26-2.061	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.071)*		34 MoReg 885		

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10 CSR 26-2.062	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.072)*		34 MoReg 886		
10 CSR 26-2.063	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.073)*		34 MoReg 890		
10 CSR 26-2.064	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.074)*		34 MoReg 890		
10 CSR 26-2.070	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.060)*		34 MoReg 866		
10 CSR 26-2.071	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.061)*		34 MoReg 866		
10 CSR 26-2.072	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.062)*		34 MoReg 871		
10 CSR 26-2.073	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.063)*		34 MoReg 877		
10 CSR 26-2.074	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-10.064)*		34 MoReg 877		
10 CSR 26-2.075	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 939		
10 CSR 26-2.076	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 956		
10 CSR 26-2.077	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 968		
10 CSR 26-2.078	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 978		
10 CSR 26-2.079	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 991		
10 CSR 26-2.080	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 1004		
10 CSR 26-2.081	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 1009		
10 CSR 26-2.082	Petroleum and Hazardous Substance Storage Tanks		34 MoReg 1020		
10 CSR 26-3.090	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.090)*		34 MoReg 890		
10 CSR 26-3.091	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.091)*		34 MoReg 891		
10 CSR 26-3.092	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.092)*		34 MoReg 891		
10 CSR 26-3.093	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.093)*		34 MoReg 892		
10 CSR 26-3.094	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.094)*		34 MoReg 892		
10 CSR 26-3.095	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.095)*		34 MoReg 896		
10 CSR 26-3.096	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.096)*		34 MoReg 897		
10 CSR 26-3.097	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.097)*		34 MoReg 900		
10 CSR 26-3.098	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.098)*		34 MoReg 903		
10 CSR 26-3.099	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.099)*		34 MoReg 906		
10 CSR 26-3.101	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.101)*		34 MoReg 908		
10 CSR 26-3.102	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.102)*		34 MoReg 908		
10 CSR 26-3.103	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.103)*		34 MoReg 909		
10 CSR 26-3.104	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.104)*		34 MoReg 914		
10 CSR 26-3.105	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.105)*		34 MoReg 914		
10 CSR 26-3.106	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.106)*		34 MoReg 915		
10 CSR 26-3.107	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.107)*		34 MoReg 915		
10 CSR 26-3.108	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.108)*		34 MoReg 918		
10 CSR 26-3.109	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.109)*		34 MoReg 920		
10 CSR 26-3.110	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.110)*		34 MoReg 920		
10 CSR 26-3.111	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.111)*		34 MoReg 921		
10 CSR 26-3.112	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.112)*		34 MoReg 921		
10 CSR 26-3.113	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.113)*		34 MoReg 925		
10 CSR 26-3.114	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.114)*		34 MoReg 928		
10 CSR 26-3.115	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-11.115)*		34 MoReg 935		
10 CSR 26-4.080	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-13.080)*		34 MoReg 937		
10 CSR 26-5.010	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-15.010)*		34 MoReg 937		
10 CSR 26-5.020	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-15.020)*		34 MoReg 938		

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10 CSR 26-5.030	Petroleum and Hazardous Substance Storage Tanks *(Changed from 10 CSR 20-15.030)*		34 MoReg 938		
10 CSR 60-2.015	Safe Drinking Water Commission		33 MoReg 1964 34 MoReg 667		
10 CSR 60-4.052	Safe Drinking Water Commission		33 MoReg 1967 34 MoReg 671		
10 CSR 60-4.090	Safe Drinking Water Commission		33 MoReg 1991 34 MoReg 695		
10 CSR 60-4.092	Safe Drinking Water Commission		33 MoReg 1996 34 MoReg 701		
10 CSR 60-4.094	Safe Drinking Water Commission		33 MoReg 1996 34 MoReg 701		
10 CSR 60-5.010	Safe Drinking Water Commission		33 MoReg 2006 34 MoReg 711		
10 CSR 60-7.010	Safe Drinking Water Commission		33 MoReg 2006 34 MoReg 711		
10 CSR 60-8.010	Safe Drinking Water Commission		33 MoReg 2010 34 MoReg 715		
10 CSR 60-8.030	Safe Drinking Water Commission		33 MoReg 2014 34 MoReg 719		
10 CSR 60-9.010	Safe Drinking Water Commission		33 MoReg 2018 34 MoReg 723		
10 CSR 60-13.020	Safe Drinking Water Commission	34 MoReg 1393	This Issue		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		34 MoReg 1182		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 40-2.010	Division of Fire Safety		This Issue		
11 CSR 40-2.015	Division of Fire Safety		This Issue		
11 CSR 40-2.022	Division of Fire Safety		This Issue		
11 CSR 40-2.030	Division of Fire Safety		This Issue		
11 CSR 40-2.040	Division of Fire Safety		This Issue		
11 CSR 40-2.061	Division of Fire Safety		This Issue		
11 CSR 45-5.100	Missouri Gaming Commission		This Issue		
11 CSR 80-5.010	Missouri State Water Patrol		34 MoReg 282		
11 CSR 85-1.010	Veterans' Affairs		34 MoReg 284	34 MoReg 1288	
11 CSR 85-1.015	Veterans' Affairs		34 MoReg 285	34 MoReg 1288	
11 CSR 85-1.020	Veterans' Affairs		34 MoReg 285	34 MoReg 1288	
11 CSR 85-1.040	Veterans' Affairs		34 MoReg 286	34 MoReg 1288	
11 CSR 85-1.050	Veterans' Affairs		34 MoReg 286	34 MoReg 1288	
	DEPARTMENT OF REVENUE				
12 CSR 10-7.320	Director of Revenue		34 MoReg 215R	34 MoReg 1493W	
12 CSR 10-16.170	Director of Revenue		34 MoReg 215R	34 MoReg 1493W	
12 CSR 30-2.018	State Tax Commission		34 MoReg 1276		
12 CSR 30-3.010	State Tax Commission		34 MoReg 1276		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 70-3.120	MO HealthNet Division		34 MoReg 1350		
13 CSR 70-3.170	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-3.180	MO HealthNet Division		34 MoReg 723	34 MoReg 1494	
13 CSR 70-3.190	MO HealthNet Division		34 MoReg 608	34 MoReg 1494	
13 CSR 70-4.090	MO HealthNet Division		34 MoReg 1350		
13 CSR 70-10.016	MO HealthNet Division		This Issue		
13 CSR 70-10.110	MO HealthNet Division		This Issue		
13 CSR 70-15.110	MO HealthNet Division	34 MoReg 1459 This Issue	This Issue		
13 CSR 70-20.320	MO HealthNet Division		This Issue		
13 CSR 70-55.010	MO HealthNet Division		34 MoReg 1353		
13 CSR 70-60.010	MO HealthNet Division		34 MoReg 286	34 MoReg 1354	
	ELECTED OFFICIALS				
15 CSR 30-45.040	Secretary of State		34 MoReg 1488		
15 CSR 30-50.010	Secretary of State		34 MoReg 1408		
15 CSR 30-50.030	Secretary of State		34 MoReg 1408		
15 CSR 30-51.030	Secretary of State		34 MoReg 1409		
15 CSR 30-51.171	Secretary of State		34 MoReg 1409		
15 CSR 30-53.010	Secretary of State		34 MoReg 1409		
15 CSR 30-59.010	Secretary of State		34 MoReg 1410		
15 CSR 60-15.010	Attorney General	34 MoReg 651	34 MoReg 724	34 MoReg 1494	
15 CSR 60-15.020	Attorney General	34 MoReg 651	34 MoReg 724	34 MoReg 1495	
15 CSR 60-15.030	Attorney General	34 MoReg 652	34 MoReg 725	34 MoReg 1495	
15 CSR 60-15.040	Attorney General	34 MoReg 652	34 MoReg 725	34 MoReg 1496	
15 CSR 60-15.050	Attorney General	34 MoReg 653	34 MoReg 726	34 MoReg 1497	

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	RETIREMENT SYSTEMS				
16 CSR 50-2.090	The County Employees' Retirement Fund		34 MoReg 215	34 MoReg 1288	
16 CSR 50-3.010	The County Employees' Retirement Fund		34 MoReg 216	34 MoReg 1289	
16 CSR 50-10.010	The County Employees' Retirement Fund		34 MoReg 217	34 MoReg 1289	
16 CSR 50-10.030	The County Employees' Retirement Fund		34 MoReg 217	34 MoReg 1289	
16 CSR 50-10.050	The County Employees' Retirement Fund		34 MoReg 1024		
16 CSR 50-20.020	The County Employees' Retirement Fund		34 MoReg 218	34 MoReg 1289	
16 CSR 50-20.120	The County Employees' Retirement Fund		34 MoReg 218	34 MoReg 1289	
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-44.010	Division of Community and Public Health		34 MoReg 288	34 MoReg 1498	
19 CSR 30-40.342	Division of Regulation and Licensure		34 MoReg 289		
19 CSR 30-40.600	Division of Regulation and Licensure		34 MoReg 296	34 MoReg 1498	
19 CSR 40-11.010	Division of Maternal, Child and Family Health	34 MoReg 271	34 MoReg 304	34 MoReg 1504	
19 CSR 60-50	Missouri Health Facilities Review Committee				34 MoReg 1290 34 MoReg 1429 This Issue
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150 33 MoReg 2446
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150 33 MoReg 2446
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446
20 CSR 400-1.170	Life, Annuities and Health	34 MoReg 175	34 MoReg 219	34 MoReg 1354	
20 CSR 400-2.200	Life, Annuities and Health		34 MoReg 542		
20 CSR 400-3.650	Life, Annuities and Health	This Issue			
20 CSR 700-3.200	Insurance Licensing	34 MoReg 274	34 MoReg 309	34 MoReg 1355	
20 CSR 2015-1.030	Acupuncturist Advisory Committee	34 MoReg 1173			
20 CSR 2030-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 1182		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 1183		
20 CSR 2030-11.035	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 1185		
20 CSR 2085-3.010	Board of Cosmetology and Barber Examiners	34 MoReg 1459	34 MoReg 1024		
20 CSR 2085-5.010	Board of Cosmetology and Barber Examiners		34 MoReg 1187		
20 CSR 2085-6.010	Board of Cosmetology and Barber Examiners		34 MoReg 1187		
20 CSR 2085-7.010	Board of Cosmetology and Barber Examiners		34 MoReg 1187		
20 CSR 2085-7.050	Board of Cosmetology and Barber Examiners		34 MoReg 1188		
20 CSR 2085-8.030	Board of Cosmetology and Barber Examiners		34 MoReg 1188		
20 CSR 2085-8.040	Board of Cosmetology and Barber Examiners		34 MoReg 1189		
20 CSR 2085-8.060	Board of Cosmetology and Barber Examiners		34 MoReg 1189		
20 CSR 2085-9.010	Board of Cosmetology and Barber Examiners		34 MoReg 1189		
20 CSR 2085-10.010	Board of Cosmetology and Barber Examiners		34 MoReg 1190		
20 CSR 2085-10.020	Board of Cosmetology and Barber Examiners		34 MoReg 1192		
20 CSR 2085-10.060	Board of Cosmetology and Barber Examiners		34 MoReg 1194R 34 MoReg 1194		
20 CSR 2085-11.020	Board of Cosmetology and Barber Examiners		34 MoReg 1195		
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners		34 MoReg 1195		
20 CSR 2085-12.060	Board of Cosmetology and Barber Examiners		34 MoReg 1195		
20 CSR 2110-2.120	Missouri Dental Board		This Issue		
20 CSR 2120-2.070	State Board of Embalmers and Funeral Directors		34 MoReg 1196		
20 CSR 2120-2.071	State Board of Embalmers and Funeral Directors		34 MoReg 1196		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		34 MoReg 1028		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts		34 MoReg 1030		
20 CSR 2150-3.020	State Board of Registration for the Healing Arts		34 MoReg 1035		
20 CSR 2150-3.030	State Board of Registration for the Healing Arts		34 MoReg 1037R 34 MoReg 1037		
20 CSR 2150-3.040	State Board of Registration for the Healing Arts		34 MoReg 1040R 34 MoReg 1040		
20 CSR 2150-3.050	State Board of Registration for the Healing Arts		34 MoReg 1044R 34 MoReg 1044		
20 CSR 2150-3.053	State Board of Registration for the Healing Arts		34 MoReg 1048		
20 CSR 2150-3.055	State Board of Registration for the Healing Arts		34 MoReg 1053		
20 CSR 2150-3.057	State Board of Registration for the Healing Arts		34 MoReg 1058		
20 CSR 2150-3.060	State Board of Registration for the Healing Arts		34 MoReg 1064R 34 MoReg 1064		
20 CSR 2150-3.063	State Board of Registration for the Healing Arts		34 MoReg 1067		
20 CSR 2150-3.066	State Board of Registration for the Healing Arts		34 MoReg 1073		

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20 CSR 2150-3.080	State Board of Registration for the Healing Arts		34 MoReg 1077		
20 CSR 2150-3.085	State Board of Registration for the Healing Arts		34 MoReg 1077		
20 CSR 2150-3.090	State Board of Registration for the Healing Arts		34 MoReg 1082		
20 CSR 2150-3.100	State Board of Registration for the Healing Arts		34 MoReg 1082		
20 CSR 2150-3.110	State Board of Registration for the Healing Arts		34 MoReg 1086		
20 CSR 2150-3.120	State Board of Registration for the Healing Arts		34 MoReg 1086		
20 CSR 2150-3.150	State Board of Registration for the Healing Arts		34 MoReg 1087R 34 MoReg 1087		
20 CSR 2150-3.153	State Board of Registration for the Healing Arts		34 MoReg 1092		
20 CSR 2150-3.160	State Board of Registration for the Healing Arts		34 MoReg 1097		
20 CSR 2150-3.163	State Board of Registration for the Healing Arts		34 MoReg 1097		
20 CSR 2150-3.165	State Board of Registration for the Healing Arts		34 MoReg 1102		
20 CSR 2150-3.170	State Board of Registration for the Healing Arts		34 MoReg 1108		
20 CSR 2150-3.180	State Board of Registration for the Healing Arts		34 MoReg 1108		
20 CSR 2150-3.201	State Board of Registration for the Healing Arts		34 MoReg 1112		
20 CSR 2150-5.020	State Board of Registration for the Healing Arts		34 MoReg 128	34 MoReg 1355W	
20 CSR 2150-7.135	State Board of Registration for the Healing Arts		34 MoReg 1197		
20 CSR 2150-7.136	State Board of Registration for the Healing Arts		34 MoReg 1197		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		34 MoReg 220	34 MoReg 1355	
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		34 MoReg 224	34 MoReg 1358	
20 CSR 2165-2.040	Board of Examiners for Hearing Instrument Specialists		34 MoReg 225	34 MoReg 1358	
20 CSR 2200-4.010	State Board of Nursing		34 MoReg 1112		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy	34 MoReg 1173			
20 CSR 2234-1.010	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-1.020	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-1.030	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-1.040	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-1.050	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-2.010	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-2.020	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-2.030	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-2.040	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-3.010	Board of Private Investigator Examiners		This Issue		
20 CSR 2234-3.020	Board of Private Investigator Examiners		This Issue		
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Highway Safety Division				
7 CSR 60-2.010	Definitions	34 MoReg 1321	July 1, 2009	Dec. 30, 2009
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8 CSR 30-6.010	Reduction in Minimum Wage Based on Physical or Mental Disabilities	34 MoReg 1393	June 11, 2009	Dec. 7, 2009
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10 CSR 25-19.010	Electronics Scrap Management	This Issue	July 1, 2009	Feb. 25, 2010
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	This Issue	July 1, 2009	Sept. 30, 2009
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	34 MoReg 1459	June 22, 2009	June 30, 2009
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15 CSR 60-15.040	Investigation of Complaints	34 MoReg 652	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.050	Notification by Federal Government that Individual Is Not Authorized to Work	34 MoReg 653	March 12, 2009	Sept. 7, 2009
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20 CSR 2015-1.030	Fees	34 MoReg 1173	April 19, 2009	Jan. 27, 2010
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20 CSR 2267-2.020	Fees	34 MoReg 1174	April 17, 2009	Jan. 27, 2010
Missouri Veterinary Medical Board				
20 CSR 2270-1.021	Fees	34 MoReg 823	April 2, 2009	Jan. 12, 2010

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	2009		
09-21	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
09-20	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
09-19	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
09-18	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277
	2008		
08-41	Extends Executive Order 07-31 until January 12, 2009	January 9, 2009	34 MoReg 275
08-40	Extends Executive Order 07-01 until January 1, 2010	December 17, 2008	34 MoReg 181
08-39	Closes state offices in Cole County on Monday, January 12, 2009	December 3, 2008	34 MoReg 11
08-38	Amends Executive Order 03-17 to revise the composition of the committee to include the Divisional Commander of the Midland Division of the Salvation Army or his or her designee	November 25, 2008	34 MoReg 10

Executive Orders	Subject Matter	Filed Date	Publication
08-37	Orders the Department of Natural Resources to develop a voluntary certification program to identify environmentally responsible practices in Missouri's lodging industries	November 13, 2008	33 MoReg 2424
08-36	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	33 MoReg 2313
08-35	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	33 MoReg 2311
08-34	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	33 MoReg 2309
08-33	Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	33 MoReg 2308
08-32	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	33 MoReg 2088
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715

Executive Orders	Subject Matter	Filed Date	Publication
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401

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